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In the Matter of  
David Conerly  
License No 03966  
Respondent

\* LOUISIANA STATE BOARD OF  
\* PHYSICAL THERAPY EXAMINERS  
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\* Case Number 2003i13

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### CONSENT ORDER

Respondent came to Board attention after publication in local newspapers of Respondent's Arrest on drunken driving charges, resulting in a Board complaint. Investigation revealed that several criminal charges arose out of the same incident which resulted in the DWI charge. Review of Respondent's application for renewal his license for 2003 strongly suggested that he had not answered truthfully to questions on the application related to substance abuse. Respondent was notified of these potential violations of law and of the Rules of the Board and notified to be present at the Board office on June 18, 2003 for an informal conference which convened that date with Board Case Manager Mark Brown, Legal Counsel Glenn Ducote and Executive Director Cheryl Gaudin present.

### FINDINGS OF FACT

Court records and Respondent's admissions indicate that Respondent has pending against him criminal charges for Driving While Intoxicated, possession of methamphetamines and cocaine and resisting arrest in Webster Parish arising out of an arrest on October 10, 2002. There has been no disposition of these charges. Respondent acknowledged that he answered untruthfully at least two of the five questions on his application for renewal of his physical therapy license, which application is dated December 31, 2002. Respondent indicated in the informal conference that he has completed sixty days in-patient treatment in Dallas and that he returned to his place of employment and within one month again used controlled substances. His employment was terminated. He has obtained new employment and is now regularly attending Alcoholics Anonymous meetings and is prepared to commit to a serious recovery program.

### CONCLUSIONS OF LAW

1. La. R.S. 37:2413A(2) authorizes the Board to suspend or revoke a license on several grounds, including for any applicant who "attempts to or obtains a license by fraud or misrepresentation." Also, Rule 327 provides: "A person who 'attempts to or obtains a license by fraud or misrepresentation', . . . includes a person who ... makes any misrepresentation to the board, knowingly or unknowingly, which is in fact false or misleading as to a material fact..." Respondent did in fact renew his physical therapist based on misrepresentations in response to the third and fourth questions on his renewal application for 2003.,

2. La. R.S. 37:2413A(5) authorizes the Board to suspend or revoke a license of one who "is habitually intemperate or is addicted to the use of habit forming drugs." Rule 327C defines

"habitually intemperate" as the "repeated excessive use or abuse of alcohol or ... the ingestion, self- administration, or other use of legally controlled substances or other medications affecting the central nervous system other than pursuant to and in accordance with a lawful prescription." Respondent's arrest is strong evidence of intemperance or addiction. Respondent acknowledges his habitual intemperance.

3. The Board may revoke, suspend or impose probationary conditions and/or restrictions on a licensee for violations of the Physical Therapy Practice Act or the Rules and Regulation promulgated by the Board. Rule 325.

### 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 is placed on Probation through July 31, 2006.

B. Respondent shall regularly attend meetings of Alcoholics Anonymous and/or Narcotics Anonymous, attending and documenting at least ninety meetings within the ninety days beginning July 1, 2003.

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. 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 and suspension of his license. Refusal to submit a specimen immediately upon request will likewise be grounds for termination of this Consent Order and suspension of his license.

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 LBPTTE.

E. Respondent shall keep the Board advised of his place of employment and his usual work schedule and shall welcome a member of the LBPTTE or its designated representative at his place of employment for unannounced inspections, at which time Respondent shall provide access to all treatment settings, personnel and patient records for review.

F. To help defray legal and other staff expenses related to complaint investigation and establishment of this Consent Order, Respondent shall pay to the Board the sum of \$300 by August 15, 2003. Respondent shall pay to the Board the sum of \$50 monthly beginning September 1, 2003 for ongoing monitoring expenses, said payments being due on or before the first day of each month during the term of this probation.

G. Respondent authorizes the Board, its agent and his Monitor to have full access to any and all records and information contained in records kept by any person or entity regarding his treatment and recovery from substance abuse. Respondent further authorizes his treating professionals to fully and candidly discuss his condition, attitude and treatment status with his Monitor and with the Board's agent.

H. Respondent shall notify the Board office and his designated Monitor of his current address and contact information and thereafter of any changes in such information within five days of such change.

I. Respondent voluntarily waives all privileges and rights to confidentiality which he may have under law concerning information received by members of the Board, Board staff and Monitor relating to his activities in the practice of Physical Therapy, or other matters relating to substance abuse or in any other way violative of this Consent Order.

SWORN TO AND SUBSCRIBED on this 18<sup>th</sup> day of June, 2003.

*Eric A. Johnson*  
Atty. for David Conerly

*David Conerly*  
David Conerly, P.T. Lic #03966

AGREED AND ACCEPTED by official action of the Board, this 18<sup>th</sup> day of June, 2003, at Lafayette, Louisiana.

LOUISIANA STATE BOARD  
OF PHYSICAL THERAPY EXAMINERS

*Pat Adams, P.T.*  
Pat Adams, P.T., Chair

LOUISIANA STATE BOARD OF PHYSICAL THERAPY EXAMINERS  
Monitor Tracking Guide

Case Number: 2003i13

Date: March 22, 2006 Licensee: David Connerly, PT # 03966

Purpose of monitor visit: Unannounced follow-up visit pursuant to Consent Order of June 18, 2003.

Evidence of Compliance: David continues to attend AA meetings, meets with Mr. Bevins monthly and phones him weekly ; Compliance with required substance screenings; payment of fees up-to-date. Documentation records appear in order. David reports no unscheduled absences from work secondary to tardiness or illness—confirmed by Beth Clark, Regional Director for Synergy Care. Beth Clark reports no behavior problems and identified no other areas of concern. David's annual Employee Performance Evaluation was satisfactory.

Evidence of Non-Compliance: \_\_\_\_\_

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Attachments: \_\_\_\_\_

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Board Designee: Donna (Dee) Cochran, MHS, PT, Advisory Committee Member

SCAN

# David Conerly

## FINDINGS OF FACT

Court records and Respondent's admissions indicate that Respondent has pending against him criminal charges for Driving While Intoxicated, possession of methamphetamines and cocaine and resisting arrest in Webster Parish arising out of an arrest on October 10, 2002. There has been no disposition of these charges. Respondent acknowledged that he answered untruthfully at least two of the five questions on his application for renewal of his physical therapy license, which application is dated December 31, 2002. Respondent indicated in the informal conference that he has completed sixty days in-patient treatment in Dallas and that he returned to his place of employment within one month again used controlled substances. His employment was terminated. He has obtained new employment and is now regularly attending Alcoholics Anonymous meetings and is prepared to commit to a serious recovery program.

## DECISION

- A. Probation through July 31, 2006
- B. Respondent should regularly attend meetings of AA and/or NA, attending and documenting at least 90 w/in 90 beginning 7/1/03
- C. Submit specimens as request for appropriate laboratory analysis upon request. A positive reading for proscribed substances in the analysis constitutes grounds for immediate termination of the Consent Order and suspension of his license. Refusal is also grounds for suspension of his license.
- D. The Board shall designate a Monitor with whom Respondent shall cooperate.
- E. Respondent shall keep the Board advised of his place of employment and usual work schedule.
- F. Pay \$300 by 8/15/03 and \$50 monthly beginning 9/1/03.
- G. Respondent authorizes the Board to full access to and all records and info contained in records kept by any person or entity regarding his treatment and recovery from substance abuse. Further authorizes his treating professionals to fully and candidly discuss his condition, attitude and treatment status with his Monitor and w/the Board's agent.

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