



State of Louisiana  
DEPARTMENT OF HEALTH AND HOSPITALS

## Louisiana Physical Therapy Board

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**IN THE MATTER OF**  
**BRANDON REVELLE**  
**LICENSE APPLICANT**

**ADMINISTRATIVE HEARING**  
**ORDER**

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This matter came before the Louisiana Physical Therapy Board (“Board”) for adjudication on June 6, 2018, in accordance with La. R.S. 37:2420.B., to consider *Application for State Licensure* as a physical therapist assistant (“Application”) of Brandon Revelle (“Applicant” or “Mr. Revelle”). The adjudication was held at the Board office in Lafayette, Louisiana in executive session in accordance with La. R.S. 42:17.A.(1) to discuss matters regarding the Applicant’s character and professional competence. A quorum of the Board was present and constituted the Hearing Panel for the adjudication. The Hearing Panel consisted of Patrick Cook, P.T.; Kristina Lounsberry, P.T.; Meredith A. Warner, M.D.; Judith Halverson, P.T., and Karl Kleinpeter, P.T. Brandon Revelle was present and represented by counsel, Stuart McMahan, during the proceeding. Other appearances included:

Bobby Odinet, Hearing Officer  
Courtney Papale Newton, Counsel for the Board  
Charlotte Martin, Executive Director of the Board  
Stephanie Boudreaux, Board Staff  
Jessica Alwell, Board Staff  
Danielle Linzer, Board Staff

### **BACKGROUND AND MATTERS AT ISSUE**

Mr. Revelle was first granted a physical therapist assistant (“PTA”) License, No. A9192R, via reciprocity on or about August 12, 2015 as at the time of *Application by Reciprocity* in Louisiana Mr. Revelle held a license in good standing in Texas. On or about April 30, 2017 Mr. Revelle’s Louisiana physical therapist assistant license expired. Shortly thereafter, on or about August 31, 2017, Mr. Revelle’s Texas license expired. Mr. Revelle applied to reinstate his physical therapist assistant license. Mr. Revelle submitted an *Application for State Licensure*

("Application") to the Board which application was received by the Board on or about October 30, 2017. In accordance with La. Admin. Code, Title 46, Part LIV ("Rule"), § 187.E., Mr. Revelle submitted letters of character recommendation and a Bill of Information from the 26<sup>th</sup> Judicial District Court regarding his conviction of possession of pornography involving juveniles, R.S. 14:18.(A)(1), with his Application. In addition, Mr. Revelle provided certificates evidencing completion of continuing education courses as required by Rule § 187.F. Thereafter, in accordance with La. R.S. 37:2413, the Board requested that Mr. Revelle submit to a criminal background check which report was received on or about January 3, 2018 and provided notice that Mr. Revelle is a convicted felon and sex offender. Specifically, Mr. Revelle plead guilty to the felony charge for possession of pornography involving juveniles on or about September 6, 2017. Mr. Revelle was sentenced to be incarcerated at hard labor for four (4) years suspended and placed on (3) years active supervised probation on or about September 25, 2017.

In accordance with La. R.S. 37:2420(4), Rule §153.E., and Board Policy regarding applicants with felony convictions, the Board issued an *Intent to Deny* to Mr. Revelle on or about January 9, 2018. Therein, the reasons for rejection were provided which included, felony conviction and lack of good moral character, a requirement for licensure, and Mr. Revelle was offered the opportunity to present evidence proving to the Board that he possessed all qualifications for licensure as a PTA found within La. R.S. 37:2401 through 37:2424 and Rule 129 and that despite his felony conviction he is not a threat to public safety. On or about January 19, 2018 the Board office received Mr. Revelle's written request for a formal adjudication, and on or about February 14, 2018 the Board served Mr. Revelle with a *Notice of Hearing* docketing the hearing for June 28, 2018 at 4:30 p.m. Thereafter, a *Second Notice of Hearing* was served on Mr. Revelle, changing the date of the hearing to June 6, 2018 at 4:30 p.m.

The adjudication convened at 4:17 p.m. on June 6, 2018 at the Board office located at 104 Fairlane Avenue, Lafayette, LA 70507 wherein the Applicant, carrying the burden of proof, was given the opportunity to present evidence and provide testimony related to his qualifications for licensure and good moral character. At the beginning of the hearing, Courtney Papale Newton, Counsel for the Board, addressed all procedural matters. Following discussion and inquiry, no objections were made to notice, role of Board Counsel, prior Hearing Panel access to Mr. Revelle's application and associated documents, or make-up of the Hearing Panel. Counsel for the Board introduced the following exhibits for consideration:

- Exhibit 1: Intent to Deny Letter;
- Exhibit 2: Letter to Charlotte Martin Requesting Adjudication;
- Exhibit 3: Notice of Hearing;
- Exhibit 4: Notice of Rescheduled Hearing;
- Exhibit 5: Application for State Licensure;
- Exhibit 6: Statement of Brandon Revelle;
- Exhibit 7: Letter to Brandon Revelle Requesting Additional Documents;

Exhibit 8: Character Letters;

Exhibit 9: Jurisprudence Exam

Exhibit 10: Continuing Education Certificates

Exhibit 11: Background Check on Brandon Revelle

Exhibit 12: 26<sup>th</sup> Judicial District Court Bill of Information pertaining to Mr. Revelle's conviction of possession of pornography involving juveniles, R.S. 14:18.(A)(1).

Counsel for Mr. Revelle introduced the following exhibits for consideration:

Applicant 1: Psychological Evaluation

Applicant 2: Certification of Medical Records

The first witness to be called was Mr. Revelle who made a statement to the Hearing Panel stating, in part, that he takes full responsibility for his shortcomings, has learned from his past mistakes, is actively taking steps to avoid repeat behavior, and desires to help people through work as a physical therapist assistant. Mr. McMahan, Mr. Revelle's attorney, then made an argument on his client's behalf addressing Mr. Revelle's Psychological Evaluation, Applicant 1. Mr. McMahan argued that based on the Sex Offender Risk Appraisal Guide ("SORAG"), psychopathy scores, and doctor's analysis, Mr. Revelle is unlikely to be a repeat offender. Mr. McMahan further argued that the Hearing Panel should consider that Mr. Revelle's felony conviction was a non-hands-on sexual offense. Following conclusion of the presentation of evidence by Mr. Revelle and Mr. McMahan, the Hearing Panel requested a recess to review all exhibits. The hearing was reconvened, after which time the Hearing Panel questioned Mr. Revelle regarding his license application and associated documents, psychological exam, and present life activities. Mr. Revelle cooperated fully answering all questions asked. At 6:13 p.m., following deliberations, the Hearing Panel rendered its decision on the record in open meeting finding that Mr. Revelle failed to successfully prove that he met qualifications for licensure as mandated in La. R.S. 37:2411, specifically that he is of good moral character, and denying Mr. Revelle's license application. In addition, the Hearing Panel determined that Mr. Revelle failed to provide sufficient evidence to prove that if licensed he will safely interact with the public in his duties as a physical therapist assistant despite his felony conviction on or about September 6, 2017 for possession of pornography involving juveniles.

#### **FINDINGS OF FACT**

At the hearing Mr. Revelle presented and conducted himself in a professional manner. During his opening statement, Mr. Revelle stated that he takes full responsibility of his shortcomings since March 9, 2018, that he has learned from his mistakes, and that his past mistakes will not put any future patients at risk. However, upon review of all available evidence, the Hearing Panel found that Mr. Revelle does not fully grasp the seriousness of his actions resulting in a felony conviction for possession of pornography including juveniles, lacks good moral character, a minimum requirement for licensure found within La. R.S. 37:2411, and poses

a threat to the public if allowed to practice as a physical therapist assistant for the following reasons:

**A. Mr. Revelle failed to sufficiently address his addiction to pornography which includes child pornography.**

Mr. Revelle failed to directly address his addiction to pornography, including child pornography, during the hearing bringing into question his candor with both himself and the Hearing Panel and his reliability for accurately portraying his current fitness to practice as a physical therapist assistant. Throughout the hearing Mr. Revelle not once spoke the words “pornography”, “child pornography”, “pornography involving juveniles”, or “addiction” though conviction for possession of child pornography was one of the reasons in the Board’s issuance of the *Intent to Deny* dated January 9, 2018.

The Hearing Panel’s knowledge of the extent and severity of Mr. Revelle’s pornography addiction was based upon its thorough review upon review of Mr. Revelle’s Psychological Evaluation attached to the hearing transcript as “Applicant 1”. The Psychological Evaluation reveals that Mr. Revelle was first exposed to pornography between the ages of seven (7) and nine (9). Thereafter, between the ages of sixteen (16) and eighteen (18) Mr. Revelle became addicted to pornography. His addiction continued for approximately ten (10) years until his arrest for possession of child pornography on March 9, 2017. During his years of use, a period of approximate seventeen (17) years, Mr. Revelle did specifically seek out pornography with images of children. In addition, he interacted in a sexual manner with juveniles online which interactions included “role play” and sexual “chats”. Mr. Revelle also utilized chat rooms grouped by topic such as “general” or “teenaged” and upon occasion would also misrepresent his age to match the “interests” of the other party. Mr. Revelle acknowledged sexual attraction to children while viewing child pornography.

**B. Mr. Revelle failed to acknowledge the harm caused by his use of child pornography and demonstrated a lack of empathy for his victims.**

Mr. Revelle’s failure to address the extent and severity of his pornography addiction, including child pornography, at the June 6, 2018 hearing not only brings into question his candor and trustworthiness, it also shows a lack of understanding of the harm caused by his actions, a lack of empathy for the suffering of others, and a lack of respect for the rights of others. During the entirety of the hearing Mr. Revelle not once addressed the harm caused by his use of child pornography which includes, but is not limited to, child abuse, human trafficking, and the emotional and physical trauma sustained by child victims. This lack of evidence in combination with Mr. Revelle’s recent use of child pornography, which included interaction, demonstrates a complete lack of consideration for the rights and well-being of the child victims. It further demonstrates a lack of empathy, or the ability to understand and share the feelings of others, and an apparent choice or compulsion to put the desires of self over the needs of others.

Mr. Revelle’s lack of empathy and self-focus are further demonstrated in both the written statement provided to the Board in conjunction with his license application and the verbal statement made during the hearing. At the hearing Mr. Revelle testified that he liked practicing

as a physical therapist assistant because “helping others seems to help me”. In his written statement Mr. Revelle stated that

In March of 2017, I put my career in jeopardy when I attempted to access child pornography from the internet. Subsequently I was arrested, convicted, and spent six and a half months in jail for my severe lapse in judgment. [ . . . ] Those months were the hardest of my life as I was separated from my family, church family, friends, co-workers, and my life’s work.

Both statements show how Mr. Revelle’s focus on himself and his life and not on how his actions impact others. In particular, in his written statement Mr. Revelle’s focuses solely on the impact of his choices on his life and fails to address how his choices, including his use of child pornography, horrifically impact the lives of others including, but not limited to, the innocent child victims and the physical therapist employer and patients who rely on his skills and services. The Hearing Panel finds that the lack of evidence to establish understanding of harm caused by his actions in combination with his statements indicate that Mr. Revelle is unable or unwilling to place the needs of others, including physical therapy patients, over his own wants and needs, and, for this reason, poses a threat to the public who may rely on his services and believe him to be an honest and trustworthy individual.

**C. Mr. Revelle utilized child pornography while licensed as a physical therapist assistant.**

Mr. Revelle’s Psychological Evaluation reveals that Mr. Revelle became addicted to pornography, which includes child pornography, in approximately 2007. He obtained a license to practice as a physical therapist assistant in 2015. Based on these undisputable facts, Mr. Revelle failed to reveal his illegal behavior to the Board when applying for a license in 2015, a behavior that would have called into question his ability to meet the qualifications for licensure. Accordingly, a reasonable deduction is that Mr. Revelle obtained a license by fraud. Furthermore, all information presented indicates that Mr. Revelle was engaging in the use of child pornography, an act in direct violation of the laws and rules governing the practice of physical therapy, while possessing a license to practice as a physical therapist assistant. It is the finding of the Hearing Panel that these actions demonstrate a lack of the fundamental and basic qualities required to hold a license as a physical therapist assistant which include, but are not limited to, truthfulness, honesty, and respect for laws and rules. In addition, Mr. Revelle did not address this matter before the Hearing Panel at the June 6, 2018 hearing. He neither acknowledged that his illegal activities occurred while in possession of a license nor expressed remorse.

**D. Mr. Revelle presented insufficient evidence to prove that he does not pose a danger to the public.**

At the hearing Mr. Revelle acknowledged his mistake and stated that he was taking steps to ensure that he abstain from the use of pornography and maintain his recovery from sexual addiction. His attorney, Mr. McMahan, argued that Mr. Revelle is not a threat to the public

because his psychological evaluation indicates that several factors exist that reduce or mitigate Tyler's risk for future criminal offenses, including sexual offenses. Mr. McMahan identified those mitigating factors specified in the psychological evaluation which include, but are not limited to, no known history of contact sexual offenses involving children or adults, not solely attracted to children, strong support system, does not have a personality disorder, does not have psychopathy, etc. It is the finding of the Hearing Panel, however, that this singular psychological test is insufficient to prove that Mr. Revelle is safe to practice as a physical therapist assistant.

First, insufficient time has passed to allow Mr. Revelle to prove that he is safe to practice as a physical therapist assistant. Mr. Revelle, a twenty-six-year-old man, utilized pornography regularly for approximately seventeen (17) years and was addicted to pornography, including child pornography, for approximately eight (8) years. He was convicted of a felony for possession of pornography involving juveniles on September 6, 2017, a mere nine (9) months prior to the hearing. In addition, Mr. Revelle has not yet completed his probationary period which will conclude on or about September 25, 2020. It is the Hearing Panel's determination that more time is needed to allow Mr. Revelle to prove that he is able to maintain his recovery from his addiction to pornography, does not have any unforeseen complications in his recovery, is able to live as a law abiding and productive individual, and to ensure that Mr. Revelle does not pose a threat to public health, safety, and welfare.

Second, it is impossible for the Board to adequately monitor Mr. Revelle to ensure that he is abstaining from pornography, is successfully maintaining his recovery from pornography addiction, and that there are no unforeseen negative consequences or behaviors that occur while Mr. Revelle is adjusting to his abstinence and maintaining his recovery. Use of pornography and sexual crimes are extremely difficult, if not impossible, to monitor because of the private nature of the acts. Mr. Revelle was addicted to pornography, including child pornography, for approximately eight (8) years. During this he was active in his church, worked, and interacted regularly with his family. Yet, based on the evidence presented to the Hearing Panel, none of his family, friends, or co-workers knew of his use of child pornography and his pornography addiction until he was arrested. The inability for appropriate monitoring and safeguards is further highlighted by the state's requirement that Mr. Revelle enroll as a registered sex offender during his probationary period. This registry would not be necessary if it was possible for the state of Louisiana to adequately monitor at-risk individuals who pose a threat to society. The registry exists to provide the public with the knowledge to protect themselves and their children. It is the belief of the Hearing Panel that the fact that Mr. Revelle is on the registered offender list through the year 2020 is sufficient proof that he poses a threat to the public and does not possess sufficient good moral character at the present time to meet the requirements for licensure.

Third, it is the finding of the Hearing Panel that Mr. Revelle's actions following conviction do not establish a commitment to rehabilitation and therefore the risk of repeat unlawful activity is possible. Based on the testimony of Mr. Revelle, the actions that he is taking to maintain his sobriety post-conviction include working at a veterinary clinic, regularly attending church, participating in church activities, and submitting to the requirements of

probation which include inspections and attending group therapy two times per month. In addition, Mr. Revelle states that he relies on the support of his family. All, with the exception of two group therapy meetings per month and home inspections required as a condition of his probation, were a regular part of Mr. Revelle's life prior to arrest and conviction. Accordingly, it is the opinion of the Hearing Panel that Mr. Revelle has not taken sufficient steps post-conviction to ensure he maintains his recovery.

**E. The Practice of physical therapy mandates additional safeguards.**

The practice of physical therapy requires that a physical therapist and/or physical therapist assistant be in close proximity with their patients when providing treatment. In addition, physical therapy treatment may involve touching areas surrounding genitalia, the buttocks, and/or breasts. As a result, an essential consideration for the Hearing Panel when determining whether an individual is of good moral character and safe to practice physical therapy is whether the individual can engage in the type of touch required of physical therapists and physical therapist assistants without posing a danger to the public. Those individuals who have been convicted of crimes that are sexual in nature are a greater risk to physical therapy patients because of the type of touch involved. The type of touching and closeness required during physical therapy treatment in combination with the fact that physical therapy patients are a vulnerable part of the population which includes, but is not limited to, the elderly, children, and the disabled provides the Board with a sufficient basis to deny the license application of all individuals convicted of sexual crimes in the absence of acceptable documentation and evidence of successful rehabilitation over a lengthy period of time and a commitment to recovery.

Physical therapy patients depend upon physical therapy treatments to maintain and/or improve their quality of life. These vulnerable patients greatly rely on a licensee's integrity when they grant a licensee access to their lives and, in some cases, their homes. If the Louisiana Physical Therapy Board were to grant Mr. Revelle a license, they would be assuring Louisiana physical therapy patients that Mr. Revelle is of good moral character and is not a threat to the public. The Hearing Panel concludes that there is insufficient evidence at this time that would allow the Board to make such an assurance to the people of Louisiana.

**CONCLUSIONS OF LAW**

Qualifications for licensure as a physical therapist and physical therapist assistant are set forth in La. R.S. 37:2409 – 2412. In addition to other criteria, all laws mandate that in order to be licensed an individual must "be of good moral character." Board Rule § 123 defines "good moral character" as "the aggregate of qualities evidenced by past conduct, social relations, or life habits, which actually provide persons acquainted with the applicant or licensee a basis to form a favorable opinion regarding his ethics and responsibility to duty." In addition, La. R.S. 37:2420.A.(4) authorizes the Board to refuse to license any applicant, refuse to renew the license of any person, or revoke any license upon proof that an individual has been convicted of a felony. When determining whether an individual possesses sufficient good moral character to meet the qualifications for licensure, the Hearing Panel considers, in part, honesty, fairness, reliability, integrity, candor, trustworthiness, professionalism, respect for the rights of others, community ties, and criminal history. In instances where an applicant has a criminal history, the Hearing Panel

also considers, in part, such factors as the applicant's age at the time of the conduct, the recency of the conduct, the seriousness of the conduct, evidence of successful rehabilitation and/or treatment, and the applicant's candor in the licensure process. Based on the preceding findings of fact, the Hearing Panel concludes that the Respondent has failed to prove beyond a preponderance the following:

1. satisfaction of all qualifications for licensure as specified in La. R.S. 37:2411, specifically good moral character; and
2. that the Applicant is not a threat to the public despite his recent felony conviction that occurred on or about September 6, 2017 for possession of pornography involving juveniles which would permit the granting of a license by the Board under La. R.S. 37:2420.

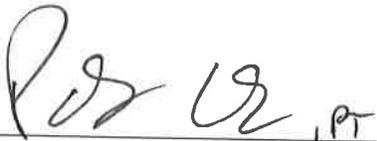
### ORDER

In view of the foregoing findings:

#### IT IS ORDERED THAT:

1. The *Application for State Licensure* as a physical therapist assistant of Brandon Revelle is denied; and
2. The Applicant is granted the opportunity to reapply for a physical therapist assistant License on June 6, 2028, ten (10) years from the date of the adjudication, or thereafter.

Signed this 16 day of August 2018 *PC*

  
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Patrick Cook, PT  
Chairman