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MAY 25 2016
BY: _____



State of Louisiana
Department of Health and Hospitals
Louisiana Physical Therapy Board
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Email: info@laptboard.org | Website: www.laptboard.org

IN THE MATTER OF
BRIAN KNIGHT, PT
LICENSE NO. 00755

CONSENT ORDER
NUMBER: 2015-I-028

CONSENT ORDER

Mr. Brian Knight, PT (“Mr. Knight” or “Respondent”) came to the attention of the Louisiana Physical Therapy Board (“LPTB” or “Board”) in August, 2015, following a random continuing education (“CE”) audit pursuant to Board Rule §197(D). In the eight (8) months following the audit, Respondent failed to communicate to multiple Board correspondences and communications. Despite assurances to the Board of completion of required continuing education, Respondent was unable to provide evidence of completion of the continuing education courses reported on his March 31, 2015 license renewal application.

FACTUAL BASIS FOR CONSENT ORDER

1. Respondent is, and at all times pertinent hereto, was a physical therapist licensed by the Board as evidenced by license number 00755.
2. On March 31, 2015, Respondent completed a license renewal application. Therein Respondent listed the following Continuing Education courses as the courses completed in fulfillment of the continuing education requirements found in Board Rule § 194:
Providing Individualized Dementia Treatment: (a) Putting Evidence into Action; (b) Spine, Health & Trunk Stability: Influence of the Thorax and Respiration; (c)

Evidence-Based Evaluation & Treatment of Rotator Cuff Pathology; (d) Hands On! Wheelchair Seating and Positioning; (e) Ethics, Compliance and Consequences; and (d) Aging Confidently: Geriatric Balance and Fall Prevention. At the end of continuing education portion of the license renewal application Respondent signed his name following the statement: "I verify that I have attended and successfully completed the educational activities listed on this form. I understand that falsification of this information in any way is grounds for disciplinary action by the board and may result in failure to renew, and/or suspension or revocation of my license to practice physical therapy in Louisiana, or other sanctions."

3. In August, 2015, pursuant to Board Rule §197(D), the Board conducted a random continuing education ("C.E.") Audit. Respondent was randomly selected for the audit to determine compliance with the continuing education requirements.
4. On August 14, 2015 the Board mailed an initial audit letter to Respondent utilizing Respondent's address of record. The letter informed Respondent of the random CE audit and requested that Respondent submit to the Board copies of all records and documentation showing completion of the continuing education courses or activities previously submitted for fulfillment of continuing education requirements. The letter further requested that he communicate with the Board office on or before August 31, 2015.
5. Respondent failed to respond to the August 14, 2015 letter.
6. On or about September 3, 2015 a second notice letter was sent to Respondent.
7. On or about September 30, 2015, Charlotte Martin, Executive Director of the Louisiana Physical Therapy Board contacted Mr. Knight by telephone to discuss the audit and Mr. Knight's failure to provide the requested documentation. Mr. Knight informed Mrs. Martin that he no longer resided at the address on file with the LPTB, due to personal reasons he was unable to enter his former residence to obtain the documentation, and that he would make every effort to get the necessary documentation and provide it to the Board office.
8. On October 1, 2015, the audit letter originally sent on September 3, 2015 was mailed to Mr. Knight's new address on file with the Louisiana Physical Therapy Board. Respondent received the second audit letter on or about October 5, 2015 and was given ten (10) days from receipt of the letter or until close of business on October 15, 2015 to provide the Board office with documentation necessary for the CE audit.
9. On or about October 19, 2015, because the Board office had not received the necessary CE documentation from Mr. Knight, Charlotte Martin again contacted Mr. Knight. During this telephone call Mr. Knight stated that he was in communication with sponsors in order to obtain duplicate CE certificates to provide to the Board.
10. On or about December 12, 2015 a letter was mailed to Mr. Knight informing him that

his license was lapsed for failure to renew pursuant to La. R.S. 37:2417 and further informing him that he was under investigation with the Louisiana Physical Therapy Board. On December 14, 2015 the letter was sent by electronic mail to address on file with the Louisiana Physical Therapy Board for Mr. Knight.

11. On or about December 14, 2015 office staff contacted Mr. Knight by telephone to confirm receipt of email notifying him that his license lapsed. Mr. Knight answered the telephone and confirmed that he did receive the email and was aware that his license lapsed and acknowledged that he was not permitted under the law to practice physical therapy.
12. On January 19, 2016 the Board sent a letter to Mr. Knight, certified mail, notifying him that an Informal Conference was scheduled for February 17, 2016 at 2:30 p.m. to discuss all allegations specified.
13. On February 3, 2016 a second Informal Conference letter was sent notifying Mr. Knight that the Informal Conference time was changed from 2:30 p.m. to 4:30 p.m. This document was sent certified mail and by electronic mail.
14. On February 3rd, 4th, 5th, 8th, and 10th Board office staff telephoned Mr. Knight to verbally inform him of the Informal Conference and confirm receipt of the letter specifying new informal conference time. All five (5) telephone call resulted in voicemails. Mr. Knight failed to respond to the Board office to discuss.
15. Mr. Knight did not participate in the February 17, 2016 Informal Conference. Board personnel were at the Board office at both 2:30 p.m. and 4:30 p.m.
16. On April 11, 2016, following receipt of a Draft Administrative Complaint and Formal Administrative Complaint, Respondent communicated with the Board Executive Director and Board Attorney by telephone to discuss all allegations. At this telephone conference Mr. Knight was given a deadline of Wednesday, April 13, 2016 to obtain evidence of completion of continuing education courses and provide the documentary evidence to the Board office.
17. On Thursday, April 14, 2016 Mr. Knight notified Mrs. Martin by electronic mail that he did not obtain the certificates evidencing completion of continuing education. Mr. Knight expressed his desire to work with the Investigative Committee to enter into a Consent Order and avoid hearing.

VIOLATIONS RELATED TO RESPONDENT'S CONDUCT

Respondent's conduct described above and otherwise reviewed in this action is subject to and/or in violation of the following provisions of law regarding his practice of physical therapy:

- A. By failing to maintain records of completed continuing education documentation, the Respondent has violated Board Rule §197(C).
- B. Respondent's failure to submit to the board by the specified date copies of all records and documentation showing completion of continuing education courses or activities previously submitted for fulfillment of continuing education requirements is a direct violation of Board Rule §197(D).
- C. By failing to successfully complete, document and report to the Board at least thirty (30) hours of board-approved continuing education courses or activities in the biennial renewal period, Respondent violation Board Rule §194(A).
- D. In assuring Board staff that continuing education documentation would be provided, Respondent intentionally provided false information in an attempt to mislead in violation of Board Rule §345 B (1), acts "contrary to honesty" and unprofessional. When engaging in this act Respondent "depart[ed] from, [and] fail[ed] to conform to, *the Minimal Standards of Acceptable and Prevailing Physical Therapy Practice* in the State of Louisiana" and the APTA Code of Ethics.
- E. In failing to provide the CE documentation and to respond to multiple Board communications, Respondent is in violation of Board Rule §383(A)(1), Failure to Respond or Cooperate with the Board.

ORDER

Pursuant to the foregoing Factual Basis for Consent Order and Violations Related to Respondent's Conduct, and, in order to avoid further administrative and judicial proceedings, Respondent and the Board, by vote of quorum, agree as follows:

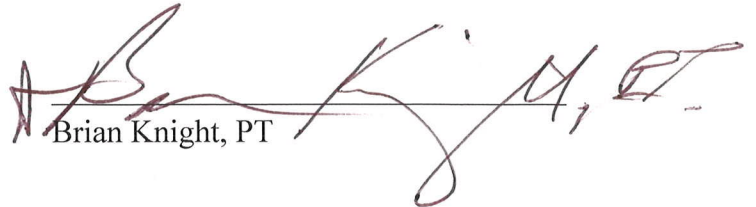
1. Following reinstatement, Respondent's license as a physical therapist is placed on probation for a minimum of eighteen (18) months. Respondent shall submit to the Board Executive Director in writing no less than thirty (30) calendar days prior to completion of probationary period a request for a letter from the Board formally acknowledging the close of the probationary period. Respondent's probationary period concludes upon receipt by respondent of the Board a letter acknowledging the close of the probationary period;

2. The probationary period shall be extended for any period of time in which Respondent is not employed as a physical therapist within the State of Louisiana and regularly working at least *twenty (20) hours* each week as such. If Respondent ceases to be regularly employed as a physical therapist in Louisiana, he shall notify the Executive Director in writing within *ten (10) calendar days* of the last date he has practiced physical therapy in Louisiana. Likewise, if Respondent returns to work as a physical therapist within the State of Louisiana, he shall notify the Executive Director in writing within *ten (10) calendar days* of his return to practice;
3. Respondent shall complete thirty (30) hours of board-approved continuing education courses or activities required in the biennial renewal period under Rule §194 during his probationary periods. In addition, Respondent shall complete an additional eight (8) hours of continuing education courses in Ethics and professionalism, and shall attend one live Jurisprudence Seminar prior to renewal in 2017, or prior the first renewal of license following reinstatement. Respondent shall request in writing and receive approval from the Executive Director prior to taking the additional eight (8) hours of Ethics and professionalism. Respondent shall provide documentation in the form of a course completion certificate to the Executive Director within five (5) calendar days of receipt of such documentation. Furthermore, Respondent shall submit documentary evidence in the form of course completion certificates of completion of thirty-eight (38) hours of continuing education for license renewal in 2017, or the first renewal of his license following reinstatement;
4. Respondent shall submit documentary evidence in the form of course completion certificates of completion of thirty (30) hours of continuing education course completion certificates in conjunction with his license reinstatement application under Board Rule § 187 F;
5. In conjunction with his application for license reinstatement, Respondent shall write an essay of no fewer than 750 words explaining how his conduct violated the Practice Act and Board Rules and what he has learned as a result of the disciplinary process. Respondent shall present his essay to the Louisiana Physical Therapy Board at a regularly scheduled meeting as determined by the Board Executive Director;
6. Respondent shall meet with the Board, or with the Board's representative, whenever requested during the probationary period, and shall fully cooperate in providing information and documents requested in such meetings in accordance with Board Rule §385 B;
7. Respondent shall have reliable access to a computer, internet, and telephone and shall respond to all communications within four (4) hours of the time a message was sent in accordance with Board Rule § 385 B;

8. Respondent shall pay the Board the sum of \$1,000.00 in partial reimbursement for legal and administrative expenses incurred in this matter, this amount may be paid in a lump sum, or in installments, if arranged in advance with the Executive Director, over his probationary period. Quarterly payments are due on or before May 15, August 15, November 15, and February 15;
9. Notwithstanding the random audit found within Board Rule §197, Respondent hereby agrees that upon a determination by the Board Executive Director he will be audited to ensure compliance with all continuing education requirements found within Board Rule § 194 for as long as he holds a physical therapy license;
10. 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. Respondent is aware of his right to a notice of hearing, to a formal administrative hearing and to judicial review of an administrative finding, and freely waives those rights. He has waived his right to be represented by counsel;
11. Respondent acknowledges that his failure to comply with any term of this Consent Order is a basis for immediate summary suspension of his license and for further disciplinary action by the Board;
12. Respondent acknowledges that this Consent Order only addresses the specific violations outlined above;
13. Respondent authorizes the Investigating Board Member, Danny Landry, PTA, and legal counsel assisting the Investigating Board Member, to present this Consent Order to the full Board for its consideration and to fully disclose and discuss with the Board the nature and results of the investigation. Respondent waives any objection to such disclosures under La. R.S. 49:960 and expressly acknowledges that the disclosure of such information to the Board shall be without prejudice to the Investigative Board Member's authority to file a formal Administrative Complaint against him, or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order. Should the Board decline to approve this Consent Order, Respondent retains all rights to due process including, but not limited to, his right to have notice of any allegations or charges against his, to administrative adjudication of such allegations or charges, and to a subsequent final decision rendered upon written findings of fact and conclusions of law.
14. Respondent acknowledges that presentation to and consideration by the Board of this Consent Agreement, including presented documentary evidence and information, shall not unfairly or illegally prejudice or preclude the Board, or any of its members, from further participation in hearings or resolution to these proceedings; and

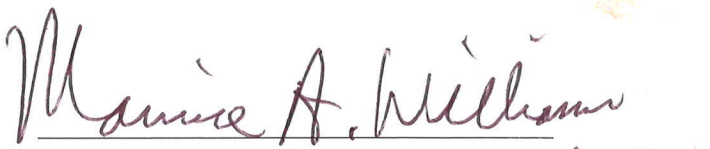
15. Respondent acknowledges that this Consent Order becomes effective on the date of signature by the Board Chair.

16. Respondent acknowledges that all communication regarding compliance with and/or fulfillment of the requirements of this Consent Order shall be in writing between Respondent and the Board Executive Director. No verbal communication shall be considered proof of compliance or commitment. Respondent acknowledges that it is the responsibility of the Respondent to fully comply with the Consent Order and proactively communicate with the Board Executive Director.


Brian Knight, PT


SWORN TO and subscribed before me, Notary Public 26th day of May, 2016
New Orleans, Louisiana.

My common expense
at my death.
Common Notary # 5572


Maurice A. Williams
Notary Public
~~Maurice A. Williams~~ 18710

AGREED AND ACCEPTED by official action of the Board, the 26 day of April, 2016,
at Lafayette, Louisiana.

Louisiana Physical Therapy Board


Al Moreau, III, P.T., Chair