



State of Louisiana

DEPARTMENT OF HEALTH AND HOSPITALS

Board of Physical Therapy Examiners

714 EAST KALISTE SALOOM ROAD, SUITE D-2

LAFAYETTE, LA 70508

337/262-1043

FAX 337/262-1054

March 30, 2001

Mr. Gerald Wayne Allred, P.T.A.
1221 N. Hullen Street
Metairie, LA 70001

RE: In the matter of Gerald Wayne Allred, P.T.A.
License No. A4653
Administrative Case No. 2001-001

Dear Mr. Allred:

As you are aware, I am the attorney for the Louisiana State Board of Physical Therapy Examiners (the "Board"). Please find enclosed a copy of the Consent Order rendered in the above referenced matter. The grounds for the administrative proceeding conducted against you were based upon a technical violation of the Physical Therapy Practice Act of Louisiana and the Rules and Regulations promulgated by the Board. As set forth in the Consent Order, you were charged with failure to timely renew your license for the calendar year 2001 and practicing physical therapist assisting without a license for a short period in early January 2001.

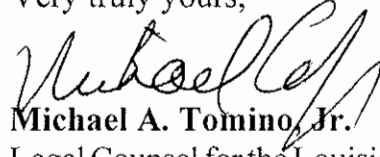
The Consent Order entered into by the Board and you involved the payment of a lump sum agreed upon fine. As set forth in the Consent Order, there are no restrictions on your practice of physical therapy. To the best of my knowledge, you have complied with all the requests of the Board and have done so openly and in good faith.

In conclusion, your skills and provision of services as a physical therapist assistant were never questioned in an administrative proceeding, and to the best of my knowledge, not an area of concern by the Board.

Should you have any questions about this letter or the Consent Order rendered by the Board, please do not hesitate to contact me.

With best wishes, I am

Very truly yours,



Michael A. Tomino, Jr.

Legal Counsel for the Louisiana State Board
of Physical Therapy Examiners
101 Wilbourn Blvd. #605
Lafayette, LA 70506
Phone: (337) 988-5340

MAT/ram
Enclosure



State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS
Board of Physical Therapy Examiners

714 EAST KALISTE SALOOM ROAD, SUITE D-2
LAFAYETTE, LA 70508
337/262-1043
FAX 337/262-1054

In the Matter of
GERALD WAYNE ALLRED, P.T.A.-
License No. A4653
Respondent

CONSENT ORDER

ADMINISTRATIVE CASE NO.
2001-01

A Formal Evidentiary Hearing was scheduled before the Louisiana State Board of Physical Therapy Examiners (the "Board") on March 29, 2001, to address alleged, specific violations of the Louisiana Physical Therapy Practice Act by the Respondent, Gerald Wayne Allred, P.T.A. ("Allred"), to-wit: "practicing physical therapist assisting in violation of the provisions of this Chapter and any rules and regulations promulgated thereto in accordance with the Administrative Procedure Act," LSA R.S. 37:2413A(1); violating provisions of the Physical Therapy Practice Act, LSA R.S. 37:2402A, 37:2407A, 37:2414(2); and for violating the Rules and Regulations promulgated by the Board, Rules and Regulations, Title 46, Sections 165A, 307A and 325 *et seq.*

In attendance, at the Pre-hearing Conference were Respondent, Gerald Wayne Allred, P.T.A.; the Complainant, Gail Pearce, P.T.; and Michael A. Tomino, Jr., attorney for Board.

Upon consideration and discussion and evidence presented at the Conference and thereafter to the Board, this Consent Order, effective March 29, 2001, is voluntarily entered into by and between Respondent, Gerald Wayne Allred, P.T.A. and the Board which was comprised of Sharon Toups, Pat Adams and Becky Lege' for the purposes of this proceeding.

FINDINGS OF FACT

1. Respondent, Gerald Wayne Allred, P.T.A., was a physical therapist assistant possessing Louisiana License No. A4653 issued by the Board to practice physical therapist assisting in the State of Louisiana in 2000 pursuant to the Physical Therapy Practice Act of Louisiana, LSA R.S. 37:2401 *et seq.*

2. Respondent failed to timely renew his license for the calendar year of 2001.

3. Respondent failed to annually renew on or before December, 31, 2000. Respondent's application for renewal was received by the Board on or about January 4, 2001.

4. Respondent practiced physical therapist assisting while employed at Crescent City Physical Therapy beginning on or about January 2, 2001, through January 3, 2001.

5. Respondent practiced physical therapist assisting of Louisiana without a license issued by the Board beginning January 2, 2001, through January 3, 2001.

6. Respondent failed to timely renew his license to practice physical therapist assisting for the calendar year 2001 in violation of the Physical Therapy Practice Act of Louisiana and the Rules and Regulations promulgated by the Board.

CONCLUSIONS OF LAW

7. Respondent unlawfully practiced, held himself out, or designated himself, as a physical therapist assistant without a license duly issued by the Board. LSA R.S. 37:2402A, 37:2414(2) and 37:2413A(1); and Rules and Regulations, Title 46, Sections 307A and 325 et seq.

8. Respondent unlawfully practiced physical therapist assisting without timely renewing his 2001 license prior to the deadline establish by law for such renewal. LSA R.S. 37:2407A and 37:2413A(1); and Rules and Regulations, Title 46, Sections 165A and 325 et seq.

9. Respondent's violations of the provisions 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, upon due notice of hearing and proof of such violations, to suspend or revoke Respondent's license or other disciplinary action as provided by law. LSA R.S. 37:2402A, 37:2407A, 37:2414(2) and 37:2413A(1); and Rules and Regulations, Title 46, Sections 165A, 307A and 325 et seq.

DECISION

Based upon the foregoing Findings of Fact, Respondent and the Board, by vote of the quorum, mutually agree to the following:

1. Respondent shall pay \$250.00 lump sum to the Board as an agreed upon fine in this matter.

2. Within five (5) days of the effective date of this Consent Order, Respondent shall submit a signed Affidavit to the Board that he has read the Physical Therapy Practice Act of Louisiana and the Rules and Regulations promulgated thereto.

3. Respondent shall pay the costs associated with this proceeding.

4. 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 by the Board.

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

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

7. The effective date of this Consent Order shall be March 29, 2001, if Respondent executes and returns the Consent Order to the Board within five (5) days of his receipt of same.

8. Upon timely receipt by the Board of Respondent's signed Consent Order, payment of the \$250.00 fine, payment of costs associated with this proceedings, and Affidavit that he has read the Physical Therapy Practice Act and the Rules and Regulations, the Board shall thereafter issue a license to practice physical therapy to Respondent for 2001.

9. Upon Respondent timely complying with the requirements set forth in Paragraph 8, his licensure to practice physical therapy for 2001 shall be considered renewed and reinstated effective January 1, 2001.

10. Respondent declares that, before signing this Consent Order, he has carefully read this document, he knows and understands the contents thereof, he signs it as an act of his own free will, he understands its meaning and effect, he has had the opportunity to retain counsel if he so chose, he waives all rights to a formal public hearing and he consents to this Order.

THUS DONE AND PASSED, on the 20 day of MARCH, 2001, at the City of METAIRIE, Parish of Jefferson, 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:

Lina Landry
[Signature]

Gerald Wayne Allred P.T.A.
Gerald Wayne Allred, P.T.A.

[Signature]
Notary Public

AGREED TO AND ACCEPTED this 29th day of March, 2001.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

Pat Adams, PT

Pat Adams, P.T.



State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS
Board of Physical Therapy Examiners

714 EAST KALISTE SALOOM ROAD, SUITE D-2
LAFAYETTE, LA 70508
337/262-1043
FAX 337/262-1054

AFFIDAVIT

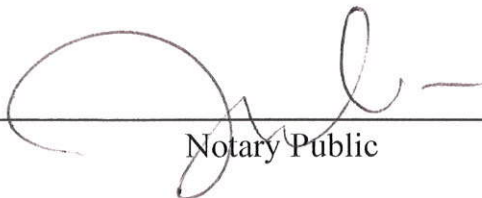
STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared, GERALD WAYNE ALLRED, P.T.A., who after being first duly sworn did depose and say: he has read and understands the Physical Therapy Practice Act of Louisiana and the Rules and Regulations.


GERALD WAYNE ALLRED, P.T.A.

SWORN TO AND SUBSCRIBED BEFORE ME
on this 20 day of MARCH, 2001.



Notary Public



State of Louisiana

DEPARTMENT OF HEALTH AND HOSPITALS

Board of Physical Therapy Examiners

714 EAST KALISTE SALOOM ROAD, SUITE D-2

LAFAYETTE, LA 70508

337/262-1043

FAX 337/262-1054

In the Matter of
GERALD WAYNE ALLRED, P.T.A.-
License No. A4653
Respondent

WAIVER OF RECUSAL

ADMINISTRATIVE CASE NO.
2001-01

I, Gerald Wayne Allred, P.T.A., as a condition precedent to entering into a proposed Consent Order with the Louisiana State Board of Physical Therapy Examiners (the "Board"), hereby acknowledge and understand that upon submission of the proposed Consent Order to the Board which is recommended by the Complainant, Gail Pearce, P.T. and Michael A. Tomino, Jr., attorney for the Board, certain information may be presented to the Board with regards to the details of my case. It is further acknowledged and understood that in the event the Board is not agreeable to enter into the proposed Consent Order and an Administrative Hearing is conducted as currently scheduled, the Board which will be presiding over my case will possibly have heard information which may later be submitted at the scheduled hearing. If such hearing occurs, it is the purpose of this Waiver of Recusal to waive any rights that I may have to recuse or remove any or all members of the Board for the purposes of Administrative Hearing in the event the proposed Consent Order is not agreed to by the Board or if I withdraw my consent to the Consent Order prior to its final approval.

I understand my rights and the effect of this Waiver of Recusal and hereby enter into it voluntarily.

METAIRIE, Louisiana, this 20 day of MARCH,
2001.

Gerald Wayne Allred P.T.A.
Gerald Wayne Allred, P.T.A.