



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

2014 WEST PINHOOK ROAD, SUITE 701  
LAFAYETTE, LA 70508  
318/262-1043  
FAX 318/262-1054

**In the Matter of**  
**FRANK HOWARD, P.T.**  
**License No. 00065**  
**Respondent**

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**CONSENT ORDER**  
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**ADMINISTRATIVE CASE NO.**  
**97-001**

A Formal Evidentiary Hearing was scheduled before the Louisiana State Board of Physical Therapy Examiners (the "Board") on April 24, 1997, to address alleged, specific violations of the Louisiana Physical Therapy Practice Act by the Respondent, Frank Howard, P.T. ("Howard"), to-wit: "practicing physical therapy 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, Frank Howard, P.T.; the Complainant, Sharon A. Toups, 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 April 24, 1997, is voluntarily entered into by and between Respondent, Frank Howard, P.T. and the Board which was comprised of Gail Pearce, Rebecca B. Lege, Gregory Ward and David Vidrine for the purposes of this proceeding.

**FINDINGS OF FACT**

1. Respondent, Frank Howard, P.T., was a physical therapist possessing Louisiana License No. 00065 issued by the Board to practice physical therapy in the State of Louisiana in 1996 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 1997.

3. Respondent failed to annually renew on or before December, 31, 1996, by failing to submit to the Board an application for renewal together with the renewal fee prescribed by the Board's Rules and Regulations.

4. Respondent practiced physical therapy at DeQuincy Memorial Hospital, beginning on or about January 2, 6 and 7, 1997.

5. Respondent practiced physical therapy in the State of Louisiana without a license issued by the Board on January 2, 6 and 7, 1997.

6. Respondent failed to timely renew his license to practice physical therapy for the calendar year 1997 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 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 therapy without timely renewing his 1997 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 April 24, 1997, 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 she 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 1997.

9. Upon Respondent timely complying with the requirements set forth in Paragraph 8, his licensure to practice physical therapy for 1997 shall be considered renewed and reinstated effective January 1, 1997.

THUS DONE AND PASSED, on the 15<sup>th</sup> day of April, 1997, at the City of Dequincy, Parish of Calcasieu, 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:

Paula D. [Signature]

Grace Yellott

[Signature] Frank Howard, P.T.

Frank Howard, P.T.

Patricia W. Brummett

Notary Public

AGREED TO AND ACCEPTED this 20<sup>th</sup> day of April, 1997

LOUISIANA STATE BOARD OF  
PHYSICAL THERAPY EXAMINERS

Becky Lege'  
Becky Lege', P.T.



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

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**AFFIDAVIT**

STATE OF LOUISIANA

PARISH OF Calcasieu

BEFORE ME, the undersigned authority, personally came and appeared, FRANK HOWARD, P.T., 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.

Frank Howard, PT  
FRANK HOWARD, P.T.

SWORN TO AND SUBSCRIBED BEFORE ME  
on this 15<sup>th</sup> day of April, 1997.

Patricia W. Brummett  
Notary Public



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 DEPARTMENT OF HEALTH AND HOSPITALS  
 Board of Physical Therapy Examiners

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**Respondent**

- **WAIVER OF RECUSAL**  
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 - -----  
 - **ADMINISTRATIVE CASE NO.**  
 - **97-001**

I, Frank Howard, P.T., 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, Sharon A. Toups, 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.

Delquincy, Louisiana, this 15<sup>th</sup> day of April, 1997.

Frank Howard, P.T.  
 Frank Howard, P.T.



**DeQuincy Memorial Hospital**  
P.O. Box 1166 • 110 West 4th Street  
DeQuincy, Louisiana 70633



\$2.75

7071

Fold at line over top of envelope to  
the right of the return address

**CERTIFIED**

**MICHAEL A. TOMINO, JR.**  
300-B STEWART STREET  
LAFAYETTE, LA 70501

P 440 834 505

**MAIL**

70501/8136 00 