



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

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LAFAYETTE, LA 70508
318/262-1043
FAX 318/262-1054

In the Matter of
JOHN PLUNKETT, P.T.
License No. 02660
Respondent

-
- **CONSENT ORDER**
- -----
- **ADMINISTRATIVE CASE NO.**
- **96-108**

A Formal Evidentiary Hearing was scheduled before the Louisiana State Board of Physical Therapy Examiners (the "Board") on May 23, 1996, to address alleged, specific violations of the Louisiana Physical Therapy Practice Act by the Respondent, John Plunkett, P.T. ("Plunkett"), 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, and 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, John Plunkett; the Complainant, Sharon A. Toups, P.T.; and Michael A. Tomino, Jr., attorney for the Board.

Upon consideration of the discussion and evidence presented at the Conference and thereafter to the Board, this Consent Order, effective May 23, 1996, is voluntarily entered into by and between the Respondent, John Plunkett, and the Board, which was comprised of Lana I. Wilson, Rebecca B. Lege, Gregory Ward and Paul A. Lamothe, Jr. for the purposes of this proceeding:

FINDINGS OF FACT

1. Respondent, John Plunkett, P.T., was a physical therapist possessing Louisiana License No. 02660 issued by the Board to practice physical therapy in the State of Louisiana in 1995 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 1996.

3. Respondent failed to annually renew on or before December 31, 1995, 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 Slidell Memorial Hospital in Slidell, Louisiana, and at Lakeview Regional Medical Center in Covington, Louisiana, beginning on or about January 1, 1996, through January 12, 1996.

5. Respondent practiced physical therapy in the State of Louisiana without a license issued by the Board beginning January 1, 1996, through January 12, 1996.

6. Respondent failed to timely renew his license to practice physical therapy for the calendar year 1996 in violation of the Physical Therapy Practice Act of Louisiana and the Rules and Regulations promulgated by the Board.

CONCLUSIONS OF LAW

7. Respondent practiced, held himself out, or designated himself, as a physical therapist licensed 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 practiced physical therapy without timely renewing his 1996 license prior to the deadline established 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 violated the provisions of the Physical Therapy Practice Act of Louisiana and the Rules and Regulations promulgated thereto constituting 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 upon demand.
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 promulgated 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 May 23, 1996, 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 proceeding, 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 1996.
9. Upon Respondent timely complying with the requirements set forth in Paragraph 8, his licensure to practice physical therapy for 1996 shall be considered renewed and reinstated effective January 1, 1996.

THUS DONE AND PASSED on the 23rd day of May, 1996, at the City of Lafayette, Parish of Lafayette 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:

Sharon A. Jaus

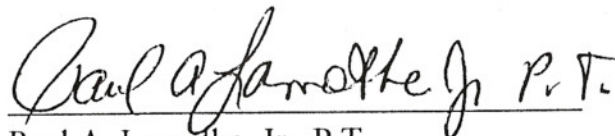
John P. Plunkett
John Plunkett, P.T.

[Signature]

Michael [Signature]
Notary Public

ACCEPTED AND AGREED TO this 23rd day of May, 1996.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

A handwritten signature in cursive script that reads "Paul A. Lamothe, Jr., P.T.". The signature is written in black ink and is positioned above a horizontal line.

Paul A. Lamothe, Jr., P.T.