

LOUISIANA PHYSICAL THERAPY BOARD

**IN THE MATTER OF: WILLIAM HOOPER, P.T.
 LICENSE NO. 04480
 ADMINISTRATIVE COMPLAINT NO. 2015-I-001**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came before the Louisiana Physical Therapy Board (the “Board”) for hearing on May 19, 2016, pursuant to written notice, at which time a quorum of the Board was present, consisting of Al C. Moreau III, P.T., Danny P. Landry, P.T.A., Kristina Lounsberry, P.T., and Elizabeth Austin, P.T. William Hooper, the Respondent, was not present and did not participate in the hearing despite receiving service and notice of the proceedings. Other appearances included:

Jeffrey Wale, hearing officer for the Board;

George Papale, complaint counsel for the Board;

Charlotte Martin, Executive Director for the Board, appearing as a witness.

BACKGROUND AND MATTERS AT ISSUE

Proceedings to adjudicate an administrative enforcement action were initiated by the filing of an Administrative Complaint on January 19, 2016. The Administrative Complaint was signed by the complaint counsel for the Board, Courtney Newton, and set forth in numbered paragraphs a concise statement of the material facts and matters alleged to be proven at the hearing. The Respondent did not respond to the Administrative Complaint. The Administrative Complaint was originally docketed for hearing on February 18, 2016 at 8:00 a.m. The hearing was ultimately continued to May 19, 2016 and began on that date at 8:00 a.m.

The Administrative Complaint alleged the following:

- A. At all times relevant to this Administrative Complaint Respondent was a physical therapist licensed by the Board as evidenced by license number 04480.
- B. On October 7, 2015, after a formal adjudication, a Board Order was issued finding Respondent in violation of Practice Act and Board Rule violations related to failure fulfill multiple obligations found within his Confidential Recovering Physical Therapy Program Participation Agreement (“CRPTP Agreement”) including, but not limited to, excessive consumption of alcohol.
- C. Contained within the Board Order were sanctions to be performed by the Respondent during his six (6) month suspension period. These sanctions include, but are not limited to, the following:

1. Paragraph A, page 7 mandates that “[r]espondent shall undergo an evaluation by a qualified substance abuse and psychological evaluator approved by the Board and the Board...”
2. Paragraph C, page 7 mandates that “[r]espondent shall regularly attend meetings of Alcoholics Anonymous and/or Narcotics Anonymous, attending and documenting at least ninety (90) meetings within the (90) days following the Respondent’s receipt of this Order...”
3. Paragraph D, page 7 requires that, “[r]espondent shall write an essay of no fewer than 750 words explaining how his conduct violated the Louisiana Physical Therapy Practice Act, Board Rules, and the Participation Agreement. This essay shall be submitted to the Executive Director no later than 30 days from the receipt of this order.”
4. Paragraph E, page 7 states that “[d]uring the suspension period, Respondent shall promptly comply, as directed, with Board requests for random drugs tests arranged by the Board, Respondent shall pay for or reimburse the Board for the expense of such tests.”
5. Paragraph H, page 8 mandates that “[r]espondent shall reimburse the Board for all costs associated with the administrative hearing and investigative expenses.”
6. Paragraph I, page 8 requires that, “[r]espondent shall enter into a Recovering Physical Therapy Program Agreement with the Board.”

D. On or about October 13, 2015, Board staff mailed Respondent the Board Order by the United States Postal Service, certified mail number 7015 0640 0002 7474 2135, return receipt requested, and regular mail. The Board Order was addressed to Respondent’s address of record with the Louisiana Physical Therapy Board.

E. On or about October 16, 2015 the United States Postal Service attempted to deliver the certified mail to Mr. Hooper at his address of Record. An authorized recipient was not available for receipt. The United States Postal Service left notice at Mr. Hooper’s address informing him that certified mail was available for pick-up at the Morgan City, Louisiana United States Post Office.

F. Respondent did not retrieve his certified mail from the Post Office.

G. On or about October 27, 2015 Board staff contacted Mr. Hooper using his telephone number of record with the Louisiana Physical Therapy Board and left a voicemail informing him of the Board Order awaiting his pick-up at the Morgan City, Louisiana United States Post Office.

H. Following the October 27, 2015 communication, Respondent did not contact the Board Office and still did not retrieve his certified mail from the Post Office.

I. On or about November 3, 2015 Board staff made a second attempt to contact Respondent by telephone and left another voicemail requesting that Respondent retrieve the certified mail from the Post Office and to contact the Board office with any questions.

J. Respondent did not contact the Board office following the November 3, 2015 communication.

K. Because Mr. Hooper failed to retrieve the certified mail at the Morgan City, Louisiana Post Office, on or about November 17, 2105 the Board Office received the returned *Findings of Fact and Conclusions of Law* in the mail.

L. Immediately following the receipt of the returned *Findings of Fact and Conclusions of Law*, Board staff contacted Respondent by telephone requesting that he contact the Board Office to confirm that he did receive the document via regular mail.

M. Mr. Hooper did not communicate with the Board Office following the November 17, 2015 communication attempt.

N. Board staff again contacted Mr. Hooper by telephone on November 24, 2015 and December 4, 2015 requesting that he contact the Board Office immediately and informing him that the Board Order is in effect and that non-compliance would result in addition disciplinary action.

O. To date Mr. Hooper has not communicated with the Board Office regarding his Board Order or the requirements therein.

P. Based upon information and belief, Mr. Hooper has intentionally avoided communications from the Board and failed to cooperate with the Board office staff.

Q. To date Respondent has failed to register with Affinityhealth.com, the company utilized by the Louisiana Physical Therapy Board for random drug and alcohol testing, thereby failing to submit to random drug and alcohol testing as required by the Board Order.

R. In addition, the Board office has not received evidence of Respondent's completion of ninety (90) meetings within the (90) days of Alcoholics Anonymous and/or Narcotic Anonymous.

S. Furthermore, Respondent has neither undergone an evaluation by a qualified substance abuse and psychological evaluator nor entered into a Recovering Physical Therapy Program Agreement with the Board as required by Board Order.

T. As of January 1, 2016, Respondent has not submitted a 750 word essay to the Board that explained how his conduct violated the Louisiana Physical Therapy Board Practice Act, Board Rules, and CRPTP Agreement.

U. Finally, Respondent has neither reimbursed the Board for expenses of the administrative hearing and investigative expenses, nor contacted the Board to set up a payment plan for the reimbursement of all expense.

VIOLATIONS ALLEGED

Based on the factual allegations set forth in the Administrative Complaint, the Administrative Complaint alleged that the Respondent violated the provisions of the Louisiana Physical Therapy Practice Act, the Physical Therapy Rules and Regulations (Rules) as follows:

1. The Board has the authority to suspend or revoke a professional license which it has issued, or place probationary conditions upon such license, upon proof that the licensee has practiced physical therapy in violation of the Practice Act, Board Rules, or standards of practice. La. R.S. 37:2420A(1) and Board Rule § 343.
2. The Board has the authority to take additional disciplinary action, following notice and hearing, upon a finding that Respondent placed on probation has failed to comply with the terms and conditions of the board order. Board Rule § 343C
3. The Board has the authority to initiate regular disciplinary proceedings when a licensee ceases to be in compliance with the RPTP Agreement under Board Rule § 361.
4. The Board has the authority to discipline a licensee for failing to respond or cooperate with the Board pursuant to Board Rule § 383.
5. The Board has the authority to discipline a monitored licensee for failing to respond to a Board communication within four (4) hours of the time a message was sent under Board Rule § 385.

FINDINGS OF FACT

On May 19, 2016, Complaint counsel presented evidence on the issues of fact; argument on the applicable law and policy; called and examined witnesses, and was given an opportunity to offer and introduce documentary evidence and any other exhibit needed for a full and true disclosure of the facts. The Board made the following findings of fact:

At all times relevant to this Administrative Complaint Respondent was a physical therapist licensed by the Board as evidenced by license number 04480.

On October 7, 2015, after a formal adjudication, a Board Order was issued finding Respondent in violation of Practice Act and Board Rule violations related to failure fulfill multiple obligations found within his Confidential Recovering Physical Therapy Program Participation Agreement (“CRPTP Agreement”) including, but not limited to, excessive consumption of alcohol.

Contained within the Board Order were sanctions to be performed by the Respondent during his six (6) month suspension period. These sanctions include, but are not limited to, the following:

Paragraph A, page 7 mandates that “[r]espondent shall undergo an evaluation by a qualified substance abuse and psychological evaluator approved by the Board and the Board...”

Paragraph C, page 7 mandates that “[r]espondent shall regularly attend meetings of Alcoholics Anonymous and/or Narcotics Anonymous, attending and documenting at least ninety (90) meetings within the (90) days following the Respondent’s receipt of this Order...”

Paragraph D, page 7 requires that, “[r]espondent shall write an essay of no fewer than 750 words explaining how his conduct violated the Louisiana Physical Therapy Practice Act, Board Rules, and the Participation Agreement. This essay shall be submitted to the Executive Director no later than 30 days from the receipt of this order.”

Paragraph E, page 7 stats that “[d]uring the suspension period, Respondent shall promptly comply, as directed, with Board requests for random drugs tests arranged by the Board, Respondent shall pay for or reimburse the Board for the expense of such tests.”

Paragraph H, page 8 mandates that “[r]espondent shall reimburse the Board for all costs associated with the administrative hearing and investigative expenses.”

Paragraph I, page 8 requires that, “[r]espondent shall enter into a Recovering Physical Therapy Program Agreement with the Board.”

On or about October 13, 2015, Board staff mailed Respondent the Board Order by the United States Postal Service, certified mail number 7015 0640 0002 7474 2135, return receipt requested, and regular mail. The Board Order was addressed to Respondent’s address of record with the Louisiana Physical Therapy Board.

On or about October 16, 2015 the United States Postal Service attempted to deliver the certified mail to Mr. Hooper at his address of Record. An authorized recipient was not available for receipt. The United States Postal Service left notice at Mr. Hooper’s address informing him that certified mail was available for pick-up at the Morgan City, Louisiana United States Post Office.

Respondent did not retrieve his certified mail from the Post Office.

On or about October 27, 2015 Board staff contacted Mr. Hooper using his telephone number of record with the Louisiana Physical Therapy Board and left a voicemail informing him of the Board Order awaiting his pick-up at the Morgan City, Louisiana United States Post Office.

Following the October 27, 2015 communication, Respondent did not contact the Board Office and still did not retrieve his certified mail from the Post Office.

I. On or about November 3, 2015 Board staff made a second attempt to contact Respondent by telephone and left another voicemail requesting that Respondent retrieve the certified mail from the Post Office and to contact the Board office with any questions.

Respondent did not contact the Board office following the November 3, 2015 communication.

Because Mr. Hooper failed to retrieve the certified mail at the Morgan City, Louisiana Post Office, on or about November 17, 2015 the Board Office received the returned *Findings of Fact and Conclusions of Law* in the mail.

Immediately following the receipt of the returned *Findings of Fact and Conclusions of Law*, Board staff contacted Respondent by telephone requesting that he contact the Board Office to confirm that he did receive the document via regular mail.

Mr. Hooper did not communicate with the Board Office following the November 17, 2015 communication attempt.

Board staff again contacted Mr. Hooper by telephone on November 24, 2015 and December 4, 2015 requesting that he contact the Board Office immediately and informing him that the Board Order is in effect and that non-compliance would result in additional disciplinary action.

To date Mr. Hooper has not communicated with the Board Office regarding his Board Order or the requirements therein.

Based upon information and belief, Mr. Hooper has intentionally avoided communications from the Board and failed to cooperate with the Board office staff.

To date Respondent has failed to register with Affinityhealth.com, the company utilized by the Louisiana Physical Therapy Board for random drug and alcohol testing, thereby failing to submit to random drug and alcohol testing as required by the Board Order.

In addition, the Board office has not received evidence of Respondent's completion of ninety (90) meetings within the (90) days of Alcoholics Anonymous and/or Narcotic Anonymous.

Furthermore, Respondent has neither undergone an evaluation by a qualified substance abuse and psychological evaluator nor entered into a Recovering Physical Therapy Program Agreement with the Board as required by Board Order.

As of January 1, 2016, Respondent has not submitted a 750 word essay to the Board that explained how his conduct violated the Louisiana Physical Therapy Board Practice Act, Board Rules, and CRPTP Agreement.

Finally, Respondent has neither reimbursed the Board for expenses of the administrative hearing and investigative expenses, nor contacted the Board to set up a payment plan for the reimbursement of all expense.

CONCLUSIONS OF LAW

Based on the preceding findings of fact, the Board concludes that the Respondent's actions constitute violations of the following:

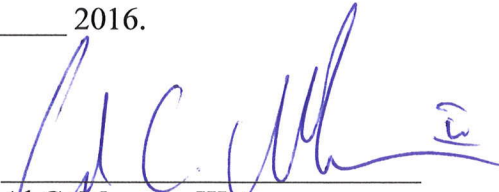
- A. By failing to attend ninety (90) meetings in ninety (90) days of Alcoholics and/or Narcotics Anonymous meets, Respondent failed to comply with the terms and conditions of a Board Order, as required in Board Rule § 343(C).
- B. By failing to register for drug and alcohol screenings and failing to check-in and appear for drug and alcohol screening and testing as required by the Board Order, the Respondent has violated Board Rule § 345(B)(12), and such conduct is also a basis for disciplinary action for Respondent's failure to comply with the terms and conditions of a Board Order, as specified in Board Rule § 343(C).
- C. By failing to fully participate in the Recovering Physical Therapy Program, Respondent failed to comply with the terms and conditions of a Board Order, as required in Board Rule § 343(C).
- D. By failing to pay the Board reimbursement for legal and administrative expenses, Respondent failed to comply with the terms and conditions of a Board Order, as required in Board Rule § 343(C).
- E. By failing to respond to Board communications within four (4) hours, Respondent failed to comply with the requirements of Board Rule § 385 as well as the terms and conditions of a Board Order, as required in Board Rule § 343(C).
- F. By failing to be in compliance with his RPTP Agreement, Respondent has failed to comply with Board Rule § 361.
- G. By failing to cooperate and assist the Board in carrying out its duties, Respondent has failed to comply with Board Rule § 383.
- H. By failing to undergo an evaluation by a qualified substance abuse and psychological evaluator, Respondent has failed to comply with Board Rule § 361.

SANCTIONS

In view of the foregoing findings, the following sanctions are imposed:

IT IS ORDERED that the license of Respondent, William Hooper, is revoked for failure to comply with the Board Order issued on October 7, 2015 and Board rules.

Signed this 15th day of June 2016.



Al C. Moreau, III
Chairman