In the Matter of	*	**LOUISIANA STATE BOARD OF**
BRIAN ALEXANDER, P.T.	*	**PHYSICAL THERAPY EXAMINERS**
License No 04303	*	
Respondent	*	Case Number 2004-I101

CONSENT ORDER

Respondent failed to renew his license timely for 2004 and failed to complete required continuing education units for license renewal and was brought before the Louisiana State Board of Physical Therapy Examiners (Board) at its meeting on February 18, 2004 to address these issues. Board concern regarding Respondent's demeanor and presentation in his appearance before the Board gave rise to a Board initiated complaint regarding his possible substance abuse. Respondent participated in informal conferences on March 19, 2004 and June 23, 2004 with Board Member Charles Reynolds, Executive Director Cheryl Gaudin and Board Counsel Glenn Ducote participating .

FINDINGS OF FACT

1. Respondent allowed his license to practice physical therapy lapse at the end of 2003 but continued to practice until January 6, 2004 when his employer became aware of his lapsed license and terminated his employment and notified the Board. Respondent has now filed an application for 2004 licensure and remitted all required fees.

2. Respondent also failed to have the required continuing education units for renewal of his license for 2004 by the filing deadline. At the February 18, 2004 Board meeting Respondent was given until March 1, 2004 to complete required continuing education and he has complied timely with that requirement.

3. Respondent had also failed to timely renew his license and complete required continuing education units for renewal of his license for 2003. He did comply with late renewal and continuing education requirements.

4. In appearances in informal conferences with Board representatives, Respondent misrepresented factual information regarding his employment history and other matters.

5. There have been several instances of patient complaints regarding care provided by Respondent at several places of employment.

6. There have been reports by co-workers that Respondent smelled of alcohol while treating patients.

7. There has been a pattern of Respondent reporting late for work and leaving early. In one practice setting he was found to have falsified time reporting records.

CONCLUSIONS OF LAW

1. Respondent continued to work as a physical therapist after allowing his license to lapse at the beginning of 2004, in violation of La. R.S. 37:2402 and Rule 307A.

2. Respondent, for two successive years, failed to complete and report mandatory continuing education units to the Board by December 31, in violation of Rules 169A and 171D.

3. Respondent provided inaccurate and misleading information regarding prior employments and patient complaints to Board representatives investigating his application for licensure, in violation of Rule 327A.

4. Respondent has been guilty of unprofessional conduct by deviating from acceptable and prevailing physical therapy practice standards in the area of patient care and employee responsibility by being unresponsive to patient needs and patient feedback, by reporting for work with alcohol on his breath, and by being unreliable in reporting for work, in violation of Rule 327E.

DECISION

Pursuant to the foregoing Findings of Fact and Conclusions of Law, Respondent and the Board, by vote of quorum, agree as follows:

A. Respondent's right to licensure is suspended until January 1, 2005.

B. Prior to applying for 2005 licensure, Respondent shall participate in evaluations and testing by appropriate medical professionals designated by the Board and will authorize release of a full report on such evaluations and testing to the Board. Fees and charges for these evaluations, tests and reports will be promptly reimbursed by Respondent to the Board, if not paid directly by him.

C. Also prior to 2005 licensure, Respondent shall successfully complete, at his expense, a minimum of ten hours of continuing education courses which are designated for him by the Executive Director, and which are in addition to continuing education requirements for maintaining licensure.

D. Upon completion of the above requirements, timely application for licensure, payment of applicable fees, and proof of satisfactory completion of continuing education requirements, Respondent may be issued a license for 2005, which license will be placed on probation for a period of four years.

E. During this probationary period, Respondent shall comply with the following requirements:

1. Prior to accepting any employment as a physical therapist, he shall obtain approval of the work setting and supervision arrangements from the Board;
2. He will submit to random drug and alcohol screening tests at times and places designated by the Board and will pay all required fees for such testing and reports to the Board;
3. He will arrange with his employer for, and will fully cooperate with, a monitor designated by the Board chair who shall be given full access to treatment records for any patient or client to whom he provides physical therapy treatment;
4. He will authorize and facilitate full access to his personnel records at any place where he is employed as a physical therapist; and
5. He will authorize and facilitate full access to all records of medical examinations and treatments which he may receive during this probationary period.

F. Respondent shall pay to the Louisiana State Board of Physical Therapy Examiners the sum of $2,000 as reimbursement for legal and administrative expenses incurred in this matter. This amount may be paid in monthly installments which are to be arranged with the Executive Director. Additionally, Respondent shall pay a $50 per month fee during the probationary period for the expenses of monitoring his compliance, this amount payable by the fifth day of each month..

G. Respondent shall meet with the Board as requested at any time during the probationary period.

H. Respondent's failure to comply with any term of this Consent Order shall constitute just cause for the suspension or revocation of Respondent's license as a Physical Therapist under the auspices of this Board, or for any other disciplinary action within the statutory and regulatory authority of the Board.

I. Respondent declares that, before signing this Consent Order, he has carefully read this document, understands the contents, freely consents to it as valid and binding upon him. He is aware of his right to a formal hearing and he waives that right. He has been informed of his right to seek counsel and hereby waives that right.

SWORN TO AND SUBSCRIBED on this 12th day of July, 2004.

Brian Alexander, PT

Brian Alexander, P.T.

AGREED AND ACCEPTED by official action of the Board, the 24th day of June, 2004 at Lafayette, Louisiana.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

Pat Adams, PT

Pat Adams, P.T., Chair

Dionne monitor prior to first week of March

----------Page Break----------

BBrian Alexander

.Suspension of license until January 1, 2005

b.Prior to applying for 2005 licensure, Respondent shall participate in evaluations and testing by appropriate medical professionals designated by the Board and will authorize release of a full report on such evaluations and testing to the Board. Fees and charges for these evaluations, tests and reports will be promptly reimbursed by Respondent to the Board, if not paid directly by him.

c.Prior to 2005 licensure, Respondent shall successfully complete, at his expense, a minimum of ten hours of continuing education courses which are designated for him by the Executive Director, and which are in addition to continuing education requirements for maintaining licensure.

d.Upon completion of the above requirements, timely application for licensure, payment of applicable fees, and proof of satisfactory completion of continuing education requirements, Respondent may be issued a license for 2005, which license will be placed on probation for a period of four years.

e.A. During the probationary period, Respondent shall comply with the following requirements:

1. Prior to accepting any employment as a physical therapist, he shall obtain approval of the work setting and supervision arrangements from the Board;
2. He will submit to random drug ad alcohol screening tests at times and places designated by the Board and will pay all required fees for such testing and reports to the Board;
3. He will arrange with his employer for, and will fully cooperate with, a monitor designated by the Board chair who shall be given full access to treatment records for any patient or client to whom he provides physical therapy treatment;
4. He will authorize and facilitate full access to his personnel records at any place where he is employed as a physical therapist; and
5. He will authorize and facilitate full access to all records of medical examinations and treatments which he may receive during this probationary period.

f.B. Respondent shall pay to the LSBPTE the sum of $2,000 as reimbursement for legal and administrative expenses incurred in this matter. This amount may be paid in monthly installments which are to be arranged with the Executive Director. Additionally, Respondent shall pay a $50 per month fee during the probationary period for the expenses of monitoring his compliance, this amount payable by the 5th day of each month.

g.C. Respondent shall meet with the board as requested at any time during the probationary period.

h.D. Failure to comply with any term of this Consent Order shall constitute just cause for the suspension or revocation of Respondent's license as a PT under the auspices of this Board, or for any other disciplinary action within the statutory and regulatory authority of the Board.

						July 04	Aug 04	Sept 04	Oct 04	Nov 04	Dec 04
						A	A	A	A	A	A
Jan 05	Feb 05	Mar 05	Apr 05	May 05	June 05	July 05	Aug 05	Sept 05	Oct 05	Nov 05	Dec 05
Jan 06	Feb 06	Mar 06	Apr 06	May 06	June 06	July 06	Aug 06	Sept 06	Oct 06	Nov 06	Dec 06
Jan 07	Feb 07	Mar 07	Apr 07	May 07	June 07	July 07	Aug 07	Sept 07	Oct 07	Nov 07	Dec 07
Jan 08	Feb 08	Mar 08	Apr 08	May 08	June 08	July 08	Aug 08	Sept 08	Oct 08	Nov 08	Dec 08