



Jeff Landry
Governor

State of Louisiana
Department of Health and Hospitals

Charlotte F. Martin, M.P.A.
Executive Director

Louisiana Physical Therapy Board

IN THE MATTER OF

HUBERT ASHLEY

LICENSE NO. 07961

CONSENT ORDER

NUMBER: 2024-I-016

CONSENT ORDER

HUBERT ASHLEY (“Mr. Ashley” or “Respondent”) is a Physical Therapist (“PT”), as evidenced by License No. 07961, and is subject to the jurisdiction and the Rules and Regulations of the Louisiana Physical Therapy Practice Act (La. R.S. 37:2401, *et seq.*) and the Rules and Regulations of the Louisiana Physical Therapy Board (“LPTB” or “Board”) (LAC 46:LIV §103, *et seq.*), and enters in the following agreement relative to Complaint No. 2024-I-016.

FACTUAL BASIS FOR CONSENT ORDER

1. Respondent received his Physical Therapist license, number 07961, on or about November 16, 2010.
2. On January 2, 2024, the Board sent notice that the window for license renewal for PTs was opening. The Board sent 2024 renewal reminders to all PTs on February 1, 2024, March 1, 2024, and March 25, 2024. The Board sent 2024 late renewal reminders to all PTs on April 2, 2024, and April 15, 2024. All notices were sent to Respondent via his contact information registered with the Board.
3. On April 25, 2024, the Board sent a final renewal reminder to all PTs, advising that the deadline to renew was April 30, 2024. The notice was sent to Respondent via his contact information registered with the Board.
4. On April 30, 2024, Respondent's license expired due to his failure to timely renew his license.

5. On May 1, 2024, the Board sent Respondent an Expiration Notice to his email address on file with the Board, advising Respondent that he failed to renew his license, and that if he practiced without a license, he may face legal or disciplinary action. The notice also advised Respondent to immediately contact the Board if he wished to continue to practice.
6. On July 2, 2024, Respondent submitted an application for license reinstatement. Respondent included with his reinstatement application an unsigned statement dated July 3, 2024, explaining the reasons for his failure to timely renew.
7. On July 8, 2024, Board staff contacted Respondent regarding his unsigned statement. The Board office determined that Respondent had been practicing with an expired license since April 30, 2024. Board staff requested that Respondent submit a signed statement.
8. On July 9, 2024, Respondent submitted a signed statement, also dated July 3, 2024, indicating that he had practiced with an expired license until June 26, 2024.
9. On July 10, 2024, the Board Office sent notice to Respondent advising him that a complaint had been initiated by the Board due to his failure to timely renew his license and continuing to practice with an expired license, and provided him the opportunity to show compliance with all lawful requirements for the retention of his license as a physical therapist in the state of Louisiana at an Informal Conference to be held at the Louisiana Physical Therapy Board Office on July 17, 2024.

VIOLATIONS RELATED TO RESPONDENT'S CONDUCT

Respondent's conduct described above and otherwise reviewed in this action is subject to and/or in violation of the following provisions of law regarding his practice of physical therapy:

1. La R.S. 37:2420(A)(1) - After due notice and hearing, the board may refuse to license any applicant, or may refuse to renew the license of any person, or may restrict, suspend, or revoke any license upon proof that the person has: (1) Practiced physical therapy in violation of the provisions of this Chapter, the rules of the board, or standards of practice;
2. La R.S. 37:2420(A)(7) - After due notice and hearing, the board may refuse to license any applicant, or may refuse to renew the license of any person, or may restrict, suspend, or revoke any license upon proof that the person has: (7) Been found guilty of unprofessional conduct, including but not limited to departure from, or failure to conform to, the minimal standards of acceptable and prevailing physical therapy practice, in which proceeding actual injury to a patient need not be established;
3. LAC 46 LIV §345(B)(1)(a) - As used in R.S. 37:2420(A)(7) of the Practice Act and in these rules, the term unprofessional conduct does not require actual injury to a patient, and includes, but is not limited to, the following: (1) departure from, failure to conform to, or failure to perform on a continuing basis to the minimal standards of acceptable and prevailing physical therapy practice as defined in §123, or the commission of any act contrary to honesty, justice, good morals, patient safety or the best interest of the patient, whether committed in the course of the licensee's practice or otherwise, regardless of whether actual injury to a patient results therefrom, including, but not limited to; (a) failure

to use sound professional judgment;

4. La. R.S. 37:2417(B) – Any license not renewed in accordance with the rules of the Board shall automatically expire at the end of its term, after which the licensee shall not practice in Louisiana.

ORDER

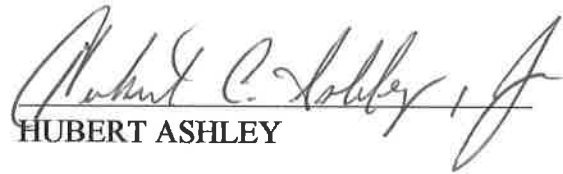
Pursuant to the foregoing Factual Basis for Consent Order and Violations Related to Respondent's Conduct, and, in order to avoid further administrative and judicial proceedings, Respondent and the Board, by vote of quorum, agree as follows:

1. Respondent's license shall be on probation for one (1) year upon reinstatement of his license. Respondent shall submit to the Board Executive Director in writing not less than thirty (30) calendar days prior to completion of the probationary period a request for a letter from the Board formally acknowledging the close of the probationary period. Respondent's probationary period concludes upon receipt by Respondent of the Board letter acknowledging the close of the probationary period and a final exit interview with the Board to be scheduled by the Board Executive Director.
2. Respondent must fulfill the requirements under LAC 46 LIV §187 for reinstatement of his lapsed license, including but not limited to those set forth at §187(C). No later than December 31, 2024, Respondent shall submit to the Board (i) a sworn statement affirming that he has reimbursed and/or reversed all charges that were made for patient treatment between May 1, 2024 and the date of reinstatement of his license, and (ii) proof of the completion of such reimbursement and/or reversal of charges. In the event that Respondent fails to satisfy these requirements, or is found later to have made false, dishonest, or misleading representations in the submissions required herein, then his license will be subject to additional discipline.
3. The one (1) year probation period shall be extended for any period of time in which Respondent is not employed as a PT within the State of Louisiana and regularly working at least an aggregate over the month that is at *least eighty (80)* hours per month. If Respondent ceases to be regularly employed as a PT in Louisiana, he shall notify the Executive Director in writing within *ten (10) calendar days* of the last date he has practiced physical therapy in Louisiana. Likewise, if Respondent returns to work as a physical therapist within the State of Louisiana, he shall notify the Executive Director in writing within *ten (10) calendar days* of his return to practice.
4. Respondent shall pay the Board the sum of \$1,012.50. in reimbursement for legal and administrative expenses incurred in this matter. Failure to reimburse associated fees will require the Board to take further action in collection of this debt. Respondent has twenty-four (24) months to reimburse the expenses before the debt will be considered final and transferred to the Louisiana Office of Debt Recovery (ODR). After transfer, the debt is subject to an additional collection fee of up to twenty-five percent (25%) of the total debt liability, as provided for in La. R.S. 47:1676(E).

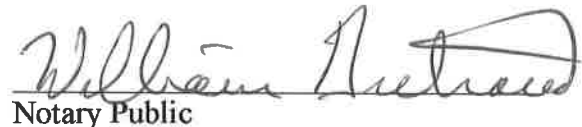
5. Respondent shall comply with La R.S. 37:2415(B) and notify the Executive Director of the Louisiana Physical Therapy Board in writing and prior to a change of residence to another country, state, or jurisdiction.
6. Respondent shall meet with the Board, or with the Board's representative, whenever requested during the probationary period, and shall fully cooperate in providing information and documents requested in such meetings.
7. Respondent shall have reliable access to a computer, internet, and telephone. In accordance with Board Rule §385, Respondent shall provide to the Executive Director his preferred telephone number and/or email address in writing for expedited communications regarding compliance with this Board Order within forty-eight (48) hours of signing the Consent Order. Respondent shall notify the Executive Director in writing of any change to his preferred telephone number and/or email address immediately upon such change.
8. Respondent declares that, before signing this Consent Order, he is of sound mind, has carefully read this document, understands the contents, and freely consents to it as valid and binding upon him. He is aware of his right to a notice of hearing, to a formal administrative hearing and to judicial review of an administrative finding, and freely waives those rights.
9. Respondent acknowledges that his failure to comply with any term of this Consent Order is a basis for the immediate summary suspension of his license and for further disciplinary action by the Board.
10. Respondent acknowledges that this Consent Order only addresses the specific violations outlined above.
11. Respondent authorizes the Investigative Committee and legal counsel assisting the Investigative Committee, to present this Consent Order to the full Board for its consideration and to fully disclose and discuss with the Board the nature and results of the investigation. Respondent waives any objection to such disclosures under La. R.S. 49:977.2 and expressly acknowledges that the disclosure of such information to the Board shall be without prejudice to the Investigative Board Member's authority to file a formal Administrative Complaint against him, or to the Board's capacity, as currently comprised, or any future composition of the Board, to adjudicate such Complaint, should the Board decline to approve this Consent Order. Should the Board decline to approve this Consent Order, Respondent retains all rights to due process including, but not limited to, his right to have notice of any allegations or charges against him, to administrative adjudication of such allegations or charges, and to a subsequent final decision rendered upon written findings of fact and conclusions of law.
12. Respondent acknowledges that presentation to and consideration by the Board of this Consent Agreement, including presented documentary evidence and information, shall not unfairly or illegally prejudice or preclude the Board, or any of its members, as the Board is currently constituted, or any future appointments to the Board, from further participation in hearings or resolution to these proceedings.

13. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair.
14. Respondent acknowledges that all communication(s) regarding compliance with and/or fulfillment of the requirements of this Consent Order shall be in writing between Respondent and the Board Executive Director. No verbal communication(s) shall be considered proof of compliance or commitment. Respondent acknowledges that it is the responsibility of the Respondent to fully comply with the Consent Order and proactively communicate with the Board Executive Director.

I, HUBERT ASHLEY, have read this Consent Order, understand it, and agree to be bound by its terms and conditions.


HUBERT ASHLEY

SWORN TO and subscribed before me, Notary Public this 22 day of July, 2024,
in Lafayette, Louisiana.

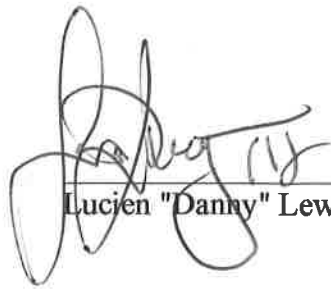

Notary Public

William Bertrand
Notary Name printed (# 78339)

William Bertrand
Notary Public ID#78339
State of Louisiana
My Commission is for Life

AGREED AND ACCEPTED by official action of the Board, this 24th day of July, 2024, at Lafayette, Louisiana.

Louisiana Physical Therapy Board



Lucien "Danny" Lewy, PT, Chair