In the Matter of	*	**LOUISIANA STATE BOARD OF**
MARK BRYAN HICKS, P.T.	*	PHYSICAL THERAPY EXAMINERS
License No 01915	*	
Respondent	*	Case Number 2004-I29

CONSENT ORDER

Respondent Mark Bryan Hicks, P.T., came to the attention of the Board when he wrote a letter to the Board after he had been arrested and charged with driving while intoxicated in Lafayette Parish on August 31, 2004. Respondent had previously completed a probationary period as a result of a plea to possession of prescription medications without a prescription in 1997. Respondent reported the recent arrest to his employer and states that he has returned to active participation in Alcoholics Anonymous. Pursuant to notice, Respondent participated in an Informal Conference to consider these issues on October 20, 2004 with Investigating Board Member Pat Adams, Executive Director Cheryl Gaudin, and Board Counsel Glenn Ducote participating.

FINDINGS OF FACT

Respondent acknowledges that he was arrested and charged with driving while intoxicated on August 31, 2004 and that since that arrest his driver's license has been suspended. Criminal charges arising out of this arrest are still pending. In the weeks preceding his arrest he had become habitually intemperate by his repeated excessive use or abuse of alcohol. He reported his arrest to his employer the day after the arrest. He has retained his job and his employer reports no problems with his work attendance or performance. Respondent had been active in Alcoholics Anonymous from early 1997 until early 2004 when he stopped attending meetings regularly and resumed alcohol consumption in response to emotional stress arising out of resentment regarding child custody and visitation issues upon the termination of his marriage. Respondent reports that since his August arrest he has returned to faithful participation in AA and attends three to four meeting each week. He has a sponsor who has more than ten years of sobriety.

CONCLUSIONS OF LAW

1. The Board has authority to suspend or revoke its professional licenses upon due proof that a licensee is "habitually intemperate". La. R. S. 37:2413A(5).

2. Rule 327C defines "habitually intemperate" as the "repeated excessive use or abuse of alcohol".

3. Rule 325 authorizes the Board to place conditions and restrictions on the licenses which it issues.

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 will undergo an evaluation by substance abuse counselor William Calkins in Baton Rouge and shall participate in such treatments as are recommended by Mr. Calkins. This evaluation is to be completed within 45 days of the signing of this Consent Order and at the expense of Respondent.

For a period of three years from the date of final execution of this Consent Order:

B. Respondent shall regularly attend meetings of Alcoholics Anonymous and/or Narcotics Anonymous, attending and documenting at least three meetings each week and shall provide such documentation to the Board designated monitor on a monthly basis.

C. Respondent shall submit blood, urine or hair specimens as requested for appropriate laboratory analysis upon request of Board staff or Monitor and understands that any such urine, blood or hair specimens will be requested without prior notice and that the cost of the specimen analysis will be paid by Respondent. Respondent acknowledges that a positive reading for proscribed substances in the analysis of any such specimen will constitute grounds for immediate termination of this Consent Order and immediate suspension of his license. Refusal to submit a specimen immediately upon request will likewise be grounds for termination of this Consent Order.

D. The Board shall designate a Monitor with whom Respondent shall fully and candidly cooperate throughout the term of his probation. The identity of the Monitor shall be provided by correspondence from Board staff. Respondent shall meet in person with Monitor at least once a month and will have additional telephone contact as requested by the Monitor. Respondent shall provide to his designated Monitor monthly documentation of attendance at AA or NA meetings on forms supplied by the Board.

E. Respondent shall keep the Board advised of his place of employment and his usual work schedule and shall welcome a member of the Board or its designated representative at his place of employment for unannounced inspections, at which time Respondent shall provide access to all treatment settings and records for review.

F. Respondent authorizes the Board, its agent and his Monitor to have full access to any and all records and information contained in records kept by any person or entity regarding his treatment and recovery from substance abuse. Respondent further authorizes his treating professionals to fully and candidly discuss his condition, attitude and treatment status with his Monitor and with the Board's agent.

G. Respondent shall notify the Board office and his designated Monitor of his current address and contact information and thereafter of any changes in such information within five days of such change.

H. Respondent voluntarily waives all privileges and rights to confidentiality which he may have under law concerning information received by members of the Board, Board staff and Monitor relating to his activities in the practice of Physical Therapy, or other matters relating to substance abuse or in any other way violative of this Consent Order.

SWORN TO AND SUBSCRIBED on this 21 day of December, 2004, at Lafayette, Louisiana.

Mark Bryan Hicks, P.T.

AGREED AND ACCEPTED by official action of the Board, the 21st day of October, 2004, at Lafayette, Louisiana.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

Pat Adams, PT

Pat Adams, P.T., Chair

LOUISIANA STATE BOARD OF PHYSICAL THERAPY EXAMINERS

Monitor Tracking Guide

Case Number: 2004-129

Date: 11-29-05 Licensee: MARK BRYAN HICKS

Purpose of monitor visit: To verify attendance of AA meetings 3 times weekly + personal meeting with monitor once monthly. Review chart records + treatment settings. Discuss how current treatments are going.

Evidence of Compliance: Bryan stated he attends 3 AA meetings a week + supplies documentation to Board. He also stated he meets with Glen Ducote once every other month not once a month. Reviewed chart records + all documentation was acceptable

Evidence of Non-Compliance: Discussed personal issues + Bryan appears to be handling them very we

Attachments: NONE

Board Designee: Mike Sheffield, PT

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