

LOUISIANA PHYSICAL THERAPY BOARD

IN THE MATTER OF

Confidential Complaint No. 2018-I-036

JOSE GARCIA

(LOUISIANA P. T.A. LICENSE NO. A09801)

INTERIM CONSENT AGREEMENT AND BOARD ORDER

NOW COME, JOSE GARCIA (Louisiana Physical Therapist Assistant License No. A09801) and the LOUISIANA PHYSICAL THERAPY BOARD (hereinafter "Board"), appearing through its Chairman, KARL KLEINPETER, who agree as follows:

1.

JOSE GARCIA was licensed by the Board as a physical therapist assistant in the State of Louisiana, pursuant to the Louisiana Physical Therapy Act, La. R.S. 37:2401-2424 et seq., as evidenced by Louisiana Physical Therapist Assistant License No. A09801.

2.

JOSE GARCIA was arrested on or about December 6, 2018, in the Parish of St. Bernard, on the charge of indecent behavior with a juvenile in violation of La. R.S. 14:81. The allegations were made by the minor daughter of Jose Garcia's live in girlfriend. JOSE GARCIA has denied said allegations. Charges of indecent behavior with a juvenile are pending in the 34th Judicial District Court, State of Louisiana, Parish of St. Bernard, State of Louisiana v. Jose Garcia, Case No. 19-00164.

3.

Criminal charges are pending against JOSE GARCIA in St. Bernard Parish. The criminal case is not yet set for trial.

4.

In order to avoid an emergency suspension hearing and a hearing on the disciplinary proceeding against JOSE GARCIA on the captioned matter under investigation by the Board, and to avoid a disciplinary hearing until the criminal matters have been resolved, the parties agree to the following, to be made Order of the Board:

a. The Louisiana Physical Therapist Assistant License No. A09801 of JOSE GARCIA, is indefinitely restricted to preclude JOSE GARCIA from practicing physical therapy with female patients under the age of eighteen.

b. Before JOSE GARCIA may apply to remove the restriction from his Louisiana Physical Therapist Assistant License No. A09801, the following conditions must be met:

(1) The criminal case against JOSE GARCIA in St. Bernard Parish resulting from the arrest noted above must be concluded;

(2) JOSE GARCIA must have no criminal charges pending against him in any jurisdiction;

(3) JOSE GARCIA must have served the entire sentence, if any, arising from the pending criminal case, including probation, parole and/or supervised release;

(4) The matter before the Board under investigation in Complaint No. 2018-I-036 must be concluded.

(5) JOSE GARCIA must undergo an inpatient psychosexual evaluation and sexual addiction evaluation at a facility approved by the Board;

(6) JOSE GARCIA must authorize and cause a written report of said evaluations to be submitted to the Board, to include the entire evaluation reports including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to JOSE GARCIA'S capability of practicing as a physical therapist with reasonable skill and safety to patients;

(7) JOSE GARCIA must have submitted all pages of this Interim Consent Agreement and Order to the evaluators prior to the start of the evaluations in order for the evaluations to be deemed valid;

(8) Upon receipt of an evaluation report, JOSE GARCIA must immediately submit to all recommendations thereafter of the evaluators and cause to have submitted to the Board evidence of continued compliance with all recommendations by the evaluators; and

(9) If the evaluations give any treatment recommendations or findings to warrant concern for patient safety, JOSE GARCIA must meet with Board Member on the Investigative Committee and demonstrate to the satisfaction of the Investigatory Committee Board Member that JOSE GARCIA poses no danger to the practice as a Physical Therapist or to the public and that JOSE GARCIA can safely and competently perform the duties of a physical therapist, including without unprofessional conduct or sexual misconduct toward any patient.

5.

By signing this Interim Consent Agreement, JOSE GARCIA agrees that the Board has jurisdiction in this matter, waives his right to informal conference, to Notice of Hearing, to a formal Administrative Hearing, and to judicial review of this Interim Consent Agreement.

6.

By signing this Interim Consent Agreement, JOSE GARCIA agrees that any failure to comply with the terms of this Agreement is a basis for discipline by the Board.

7.

JOSE GARCIA further understands that this Interim Consent Agreement shall constitute a Public Record pursuant to La. R.S. 44:1 et seq. and is considered disciplinary action by the Board.

8.

The parties agree that this Interim Consent Order does not serve as a resolution of the captioned complaint and is merely being entered into on an interim basis until the pending criminal charges are resolved.

9.

Both JOSE GARCIA and the Board stipulate that this Interim Consent Agreement shall not become effective and shall not become binding on the Board unless and until approved by the Board at formal meeting.

I, JOSE GARCIA, understand that this Agreement is effective upon affirmative vote by the Board at formal meeting. It is also understood that should the Board not approve the Interim Consent Agreement, my agreement thereon does not preclude the Board from requiring a formal hearing of my case. I further understand that should this Interim Consent Agreement not be accepted by the Board, the presentation to and consideration by the Board of this Agreement, including presented documentary evidence and information, shall not unfairly or illegally prejudice or preclude the Board or any of its members from further participation in hearings or resolution of these proceedings.

SIGNED, AGREED TO AND ENTERED on this 5 day of FEB, 2020.



JOSE GARCIA
(La. Physical Therapist Assistant License No. A09801)
2204 Aycock Street
Arabi, LA 70032

Submitted for Board Approval By:



PHIL PAGE
Investigatory Committee Board Member

BOARD ORDER
and
ACCEPTANCE OF THE INTERIM CONSENT AGREEMENT
BY THE LOUISIANA PHYSICAL THERAPY BOARD:

By a majority vote of the Board members voting in favor of the foregoing Interim Consent Agreement at the Board meeting on February 20, 2020, the Board hereby adopts said Agreement, and makes it an Order of this Board.

FOR THE BOARD:


KARL KLEINPETER, Chair