

JOHN BEL EDWARDS
GOVERNOR



CHARLOTTE F. MARTIN, M.P.A.
EXECUTIVE DIRECTOR

State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS
Louisiana Physical Therapy Board

June 7, 2018

Daniel Henning
344 St. Joseph Street
Apartment 505
New Orleans, LA 70130

Re: Voluntary Surrender of PT License

Dear Mr. Henning,

I am in receipt of the Voluntary Surrender of Physical Therapist license signed and notarized by you on May 3, 2018. The document was presented to the Louisiana Physical Therapy Board during Executive Session at its regularly scheduled meeting held on June 6, 2018. Following a thorough review and discussion, the board voted to accept the Voluntary Surrender of Physical Therapist License. Accordingly, effective June 7, 2018 your physical therapist license is revoked and you are unable to practice as a physical therapist. As specified within the Voluntary Surrender of Physical Therapist License document, you will be able to apply for reinstatement of your license on June 6, 2023 and thereafter. In order to apply for reinstatement you must meet the licensure requirements as specified in La. R.S. 37: 2411, La. R.S. 37: 24:13, Board Rule §§ 129B, 151, 153, 187GA, and 365. In accordance with Board Rules §§153B and 365, it the recommendation of this Board that you be required to submit to a mental evaluation and substance abuse examination prior to the granting of an application for license reinstatement to ensure your fitness to practice as a physical therapist.

Please contact the Board office at (337) 262-1043, extension 102, if you have any questions or wish to discuss this matter further.

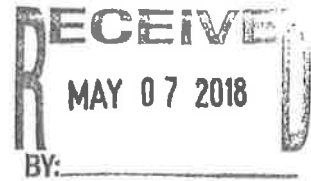
Sincerely,

A handwritten signature in blue ink that reads "Charlotte Martin".

Charlotte Martin
Executive Director
Louisiana Physical Therapy Board

BY UNITED STATES POSTAL SERVICE CERTIFIED MAIL NO. 7016 3010 0000 1373
0305 AND ELECTRONIC MAIL

BEFORE THE
LOUISIANA PHYSICAL THERAPY BOARD



IN THE MATTER OF

DANIEL HENNING, PT
LICENSE NO. 08872

STIPULATION AND AGREEMENT
FOR VOLUNTARY SURRENDER
OF PHYSICAL THERAPY LICENSE

This **STIPULATION AND AGREEMENT FOR SURRENDER OF PHYSICAL THERAPY LICENSE** is made and executed by Daniel Henning, PT (“Mr. Henning”), a physical therapist who, at all-times pertinent was licensed to practice physical therapy in the State of Louisiana, with and in favor of the Louisiana Physical Therapy Board (the “LPTB” or “Board”).

1. Acknowledgment and Stipulations. Mr. Henning hereby acknowledges, stipulates and agrees that:

(a) **Conditions of Licensure and Consent Order.** Based on disclosure of a history of substance abuse on initial application for licensure in 2014, Mr. Henning, as a condition of licensure, entered into the Confidential Recovering Physical Therapy Program (“CRPTP”), was licensed by the Board with license number 08872 and signed the CRPTP Participation Agreement (“Agreement”) on July 1, 2014. The entirety of the Agreement is incorporated herein by reference. Thereafter, Mr. Henning failed to timely comply with the daily log-in/call-in requirements of the Agreement on numerous occasions despite repeated requests for compliance. Mr. Henning’s failure to comply with the terms of the Agreement resulted in disciplinary action by the Board against his license culminating in Consent Order (No. 2016-I-029), signed by Mr. Henning on February 8, 2017 and accepted by the Board on February 15, 2017. The Consent Order placed Mr. Henning’s license under probation for 18 months and imposed additional disciplinary terms and conditions. The entirety of the Consent Order is incorporated herein by reference.

(b) **Investigation of Consent Order Violations.** Paragraph 13 of the Consent Order required Mr. Henning to comply with requests of the Board or its designated agent for random drug and/or alcohol tests. On March 16, 2018 Mr. Henning failed to check in with Affinity, the Board’s designated agent for random testing. That same day, Mr. Henning contacted the Board Office telling the Executive Director that he wanted to withdraw from the recovering physical therapy program. The Executive Director advised Mr. Henning of the requirements of the Consent Order and asked Mr. Henning of his intent to comply with the Consent Order. Mr. Henning responded that he no longer wanted to be a physical therapist. By email and written correspondence dated March 19, 2018 Mr. Henning wrote the board stating:

“My name is Daniel Henning and I am currently licensed by the Louisiana physical therapy Board as a physical therapist. I am voluntarily relinquishing my license to practice physical therapy in pursuit of other career opportunities.” In further violation of the Consent Order, Mr. Henning missed check-ins with Affinity on March 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and April 1, 2, and 3. In paragraph 24 of the Consent Order Mr. Henning acknowledges that his failure to comply with any term of the Consent Order is a basis for immediate summary suspension of his license and for further disciplinary action by the Board.

(c) **Mr. Henning’s Response.** Mr. Henning does not deny that he has missed the above described check-ins with Affinity and that his failure to do so provides the Board with a basis for additional disciplinary action against his physical therapy license.

(d) **Rights to Due Process.** Pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et. seq.*. Mr. Henning acknowledges that he has been fully informed of his rights to due process in connection with the pending administrative charges and that prior to final disciplinary action against his physical therapy license he would be entitled to have notice of the allegations and charges asserted against him, and to administrative adjudication of such charges, pursuant to La. Rev. Stat. §§49:955-958. At such hearing, Mr. Henning would be entitled to be represented by legal counsel, to call witnesses and present evidence on his own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. Rev. Stat. §§49:955-965.

2. Voluntary Surrender of License. Notwithstanding his right to administrative hearing and a decision thereon as provided by La. Rev. Stat. §49:955, in recognition of the stipulations set forth herein above toward final disposition of the investigation now pending in this matter and in lieu of the institution and prosecution of formal administrative proceedings, Mr. Henning, nonetheless, hereby waives his right to notice of charges and formal adjudication and hereby voluntarily surrenders to the Board his license to practice physical therapy in the state of Louisiana, as evidenced by License No. 08872. Mr. Henning acknowledges that he may submit an application for reinstatement of his physical therapy license not before June 6, 2023, and will be granted such license only upon a satisfaction of all requirements for licensure found within La. R.S. 37:2411 and the corresponding Board Rules and Regulations including, but not limited to, a satisfactory mental health and substance abuse evaluation, a finding of good moral character, and fitness to practice as a physical therapist. By his subscription hereto, Mr. Henning also hereby authorizes the Investigating Officer designated by the Board with respect hereto and/or her legal counsel assisting her in that capacity, to present this Stipulation and Agreement for Voluntary Surrender of Physical Therapy License to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, and he waives any objection to such disclosures, under La. Rev. Stat. §49:960.

3. Effect of Voluntary Surrender of License. Mr. Henning acknowledges, stipulates and agrees that the voluntary surrender of his physical therapy license effected hereby

in the presence of an administrative investigation shall have, and shall be deemed by the Board to have, the same effect as if the Board had entered an order of revocation upon the conclusion of formal administrative proceedings. Mr. Henning further acknowledges, stipulates and agrees that as a result of the voluntary surrender of his physical therapy license effected hereby he shall not have any right or entitlement to reinstatement or renewal of his license to practice physical therapy in the state of Louisiana, nor shall he hereafter be entitled to apply for or otherwise attempt to obtain any original, reinstated or renewal license to practice physical therapy in the state of Louisiana.

4. Termination of Proceedings. By the voluntary surrender of his physical therapy license, and the attendant dismissal of the investigation occasioned hereby, Mr. Henning, moreover, acknowledges, stipulates and agrees that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act or to which otherwise may be afforded to him by law, to contest his agreement to, or the force and effect of, this document in any court relating to the matters referred to herein.

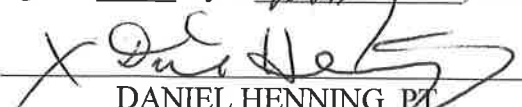
5. Reimbursement of Costs. Mr. Henning hereby agrees to partially reimburse the Louisiana Physical Therapy Board the cost of the investigation, initiation of disciplinary proceedings, legal fees, and administrative costs incurred in this matter in the amount of \$350.00. Mr. Henning acknowledges that this amount may be paid in a lump sum, or equal monthly installments for a period of not more than five (5) years or prior to reinstatement, whichever occurs first, if arranged in advance with the Executive Director.

6. Advice of Counsel. Mr. Henning acknowledges that he has had the opportunity to seek the advice and guidance of legal counsel with respect to this Stipulation.

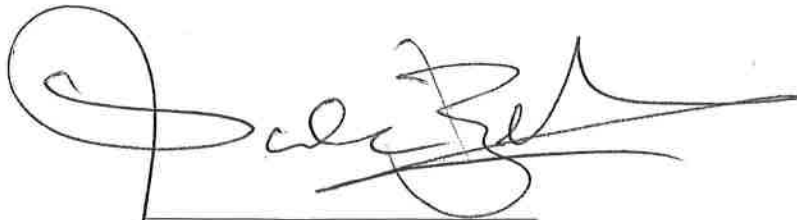
7. Public Record. Mr. Henning acknowledges, stipulates and agrees that this Stipulation and Agreement for Voluntary Surrender of Physical Therapy License shall be and shall be deemed to be a public record.

STIPULATION, ACKNOWLEDGMENT AND AGREEMENT

I, **DANIEL HENNING , PT** , hereby acknowledge, approve, accept, stipulate, agree and consent to entry of the above and foregoing this 3RD day of May , 2018.


DANIEL HENNING, PT

Sworn to and subscribed before me at New Orleans, Louisiana, this 3RD day
May , 2018



Notary Public

Paul A. Bello, Notary Public
Commission # 707
State of Louisiana
Parish of Orleans
Commissioned For Life

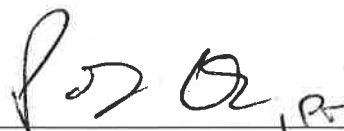
PAUL A. BELLO #707

Printed Name/Notary #

ACCEPTANCE

CONSIDERING THE ABOVE AND FOREGOING, the Stipulation and Agreement for Voluntary Surrender of Physical Therapy License is hereby **APPROVED AND ACCEPTED** by the Louisiana Physical Therapy Board, this 6th day of June, 2018.

LOUISIANA PHYSICAL THERAPY BOARD

BY:  _____

Chair