

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
PHYSICAL THERAPISTS**

IN RE HENRY C. NORTH

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) **Docket No. 2011-465**

License No. 041.0000493

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DEFAULT JUDGMENT

Introduction

On May 4, 2012, a Specification of Charges of unprofessional conduct was filed against Henry C. North, who possesses a license as a physical therapy assistant, issued on or about March 11, 2002. His License (No. 041.0000493) is scheduled to expire on September 30, 2012. A Notice of Charges was sent by certified mail and first-class mail on May 7, 2012. The certified receipt was unclaimed. The first-class mailing was not returned as undelivered. The Notice of Charges afforded Respondent twenty (20) days to submit an Answer to the charges. Respondent has not answered the Specification of Charges or communicated with the Office of Professional Regulation.

The undersigned was assigned as Administrative Law Officer for this matter. A Notice of Hearing for Default Judgment was sent to the Respondent by certified and first-class mail on July 19, 2012, scheduling the default hearing for July 30, 2012 at 10:00 a.m. at the Office of Professional Regulation ["OPR"] in Montpelier, Vermont. Neither the certified mail receipt nor the first-class mail letter has been returned.

I held the Hearing for Default Judgment (via telephone) as scheduled on July 30, 2012 at 10: a.m. Present for the State was Senior Prosecuting Attorney Edward G. Adrian, Esq. The Respondent failed to appear. Mr. Adrian indicated that he has had no contact with the Respondent with regard to the pending matter.

Findings of Fact

The record establishes that reasonable attempts have been made to accomplish service at the last address known to OPR pursuant to Rule 3.2 of the OPR Administrative Rules of Practice, and that the Respondent has failed to respond to the charges.

Therefore, the Respondent is deemed to be in default. Pursuant to Rule 3.4 of the Administrative Rules of Practice when a Respondent has defaulted, the allegations of the charges will be treated as proven and, consequently, disciplinary action may be taken based on those allegations. Therefore, pursuant to the rule the undersigned finds that:

- a. The Administrative Law Officer has jurisdiction to hear matters involving allegations of unprofessional conduct by Henry C. North pursuant to 3 V.S.A. §§127, 129, 129a; and the Office of Professional Regulation's Administrative Rules.
- b. Respondent possesses a license, issued on or about March 11, 2002, as a Physical Therapy Assistant.
- c. Respondent underwent a drug test on or about May 16, 2011 administered by a potential employer, and his drug screen test was positive for both prescriptions and illegal drugs.

Conclusions of Law

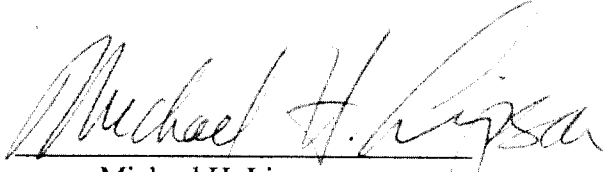
The above acts, omissions, and circumstances constitute grounds for discipline and Respondent has violated the following:

1. 3 V.S.A. §129a(a)(5)(practicing the profession when medically or psychologically unfit to do so);
2. 3 V.S.A. §129a(a)(3)(failure to comply with the provisions of state statutes or rules governing the practice of the profession); and

3.3 V.S.A. §129a(b)(2)(Failure to practice competently by reason of any cause on a single occasion or on multiple occasions...)

Based on the above Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED** that the Respondent's license shall be indefinitely suspended, subject to his right to petition for reinstatement on such conditions as the Office of Professional Regulation shall deem appropriate.

SO ORDERED
July 31, 2012


Michael H. Lipson
Administrative Law Officer

Date Entered:

7/31/12

APPEAL RIGHTS

This is a final administrative determination by the Administrative Law Officer of the Office of Professional Regulation.

A party aggrieved by a final decision of the Administrative Law Officer may appeal the decision to the Superior Court in Washington County by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, National Life Building, North, FL 2, One National Life Drive, Montpelier, Vermont 05620-3402 within 30 days of the entry of the order. A filing fee of \$262.50 (\$250.00 filing fee plus a \$12.50 surcharge), payable to Washington County Superior Court, must accompany the notice of appeal.

For more information about the procedure for filing an appeal, please see the Administrative Rules for the Office of Professional Regulation, which you can find at <http://www.vtprofessionals.org/opr1/opr/admnrule.pdf>. The Rules are also available at the Office of Professional Regulation.

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PHYSICAL THERAPISTS**

IN RE:

**HENRY C. NORTH
License No: 041.0000493**

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Docket No: 2011-465

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Henry C. North.:

Authority

1. The Administrative Law Officer (ALO) has jurisdiction to hear matters involving allegations of unprofessional conduct by physical therapy assistants pursuant to 26 V.S.A. Chapter 28; 3 V.S.A. §§129 and 129a; and the Administrative Rules of the Office of Professional Regulation and the Administrative Rules for Physical Therapists.

Statement of Facts

2. Henry C. North ("Respondent") of Colchester, Vermont is licensed by the State of Vermont as a physical therapy assistant under license number 041.0000493. This license was originally issued on or about March 11, 2002 and is currently set to expire on or about September 30, 2012.
3. On or about May 16, 2011, Respondent was administered a drug test by a potential employer. Respondent's drug screen test was positive for both prescriptions and illegal drugs.
4. The Respondent ignored repeated attempts to contact him.

Charges

5. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - a. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession);
 - b. 3 V.S.A. § 129a(a)(5) (Practicing the profession when medically or psychologically unfit to do so); and
 - c. 3 V.S.A. § 129a(b)(2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether

STATE OF VERMONT



Prosecuting Attorney
Office of
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National Life Building
Second Floor North
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actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (2) failure to conform to the essential standards of acceptable and prevailing practice).

Relief Requested

WHEREFORE, the license of Henry C. North should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 4th day of May, 2012.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
Senior Prosecuting Attorney

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STATE OF VERMONT



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