

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

IN RE:

JULIE G. PARISH

License No: 040-0003263

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)
)

Docket No: PT02-0906

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Edward G. Adrian, and the Respondent, Julie G. Parish, who stipulate and agree as follows:

Authority

1. The Administrative Law Officer (A.L.O.) has jurisdiction to hear matters involving allegations of unprofessional conduct by Physical Therapists pursuant to 3 V.S.A. §§122, 129 and 129a; Title 26, Chapter 38 of the Vermont Statutes Annotated; the Administrative Rules for Physical Therapists (ARPT); and the Office of Professional Regulation's Rules.

Statement of Facts

2. The Respondent, Julie G. Parish, is licensed in the State of Vermont as a Physical Therapist under license number 040-0003263. This license was originally issued on or about August 9, 1999 and is currently set to expire on September 30, 2008.
3. On or about June 27, 2006, the Arizona Board of Physical Therapy found that the Respondent had engaged in unprofessional conduct and imposed sanctions based upon that finding. Attachment A.
4. On or about October 23, 2007, the State of Vermont filed a Specification of Charges premised solely on the decision of the Arizona Board of Physical therapy. Attachment B.
5. On or about September 16, 2008 the parties started a merits hearings on the State's October 23, 2007 Charges. The Administrative Law Officer has taken the evidence under advisement, but has not yet issued a decision in this matter.
6. The parties agree that there are unresolved issues of law that remain before the Administrative Law Officer as of the signature date of the parties below. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the Charges, the parties reach a full and final Stipulation pursuant to these Understandings and the Order below.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

Charges

7. The parties agree that this matter may be resolved without a statement of formal charges.

Understandings

8. The Respondent understands that the A.L.O. must review and accept the terms of the Order set forth below and that if the A.L.O. rejects all or any portion of the Order, then this entire document shall be null and void.
9. Respondent waives any notification period and requests that this be heard at the next available meeting of the A.L.O. Respondent specifically waives any claims that any disclosures made to the A.L.O. during the A.L.O.'s review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the A.L.O.
10. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
11. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
12. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and has not been coerced by anyone into signing this Stipulation and Consent Order.
13. Respondent voluntarily waives her right to a contested hearing before the A.L.O. and waives any right to appeal from this Stipulation and Consent Order.
14. Respondent agrees that the A.L.O. may enter the Order set forth below.
15. While the merits hearing remains open as of the date of the signature of the parties below, the parties agree that those proceedings will be determined and concluded without further action based on the acceptance of the Administrative Law Officer, as affirmed by his signature below.

ORDER

Based upon the stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. Respondent's actions and provisions set forth in the State's Specification of Charges could demonstrate grounds for a finding of unprofessional conduct and discipline.
- B. That the parties agree that no formal finding of unprofessional conduct or disciplinary action is necessary in this matter.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

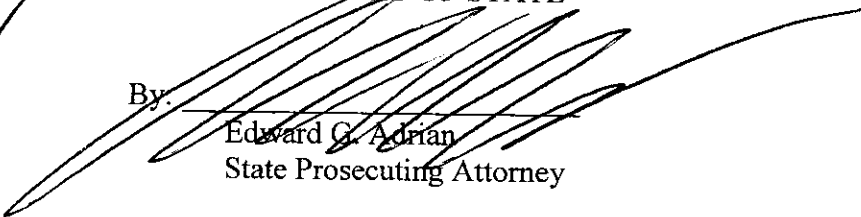
C. That the parties agree that this Stipulation and Consent Order and attachments hereto is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a). That this Stipulation and Consent Order may be posted on the Secretary of State's Website for the Office of Professional Regulation under the heading "conduct decisions" and listed under physical therapists in alphabetical order. That this Stipulation and Consent Order may be used for any other purpose and held in any other such capacity is customary and usual based on precedent within the Office of Professional Regulation.

D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 10/3/08

By: 

Edward G. Adrian
State Prosecuting Attorney

JULIE G. PARISH
RESPONDENT

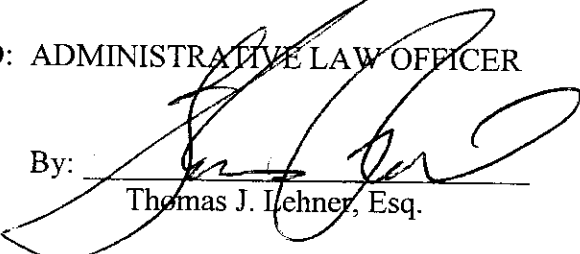
Dated: 9/29/08

By: 

Julie G. Parish

APPROVED AND SO ORDERED: ADMINISTRATIVE LAW OFFICER

Dated: 10/6/08

By: 

Thomas J. Lehner, Esq.

Date of entry: 10/9/08

pt.parish.stip

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2
3 In The Matter Of the License of:

No. 06A-04-05-CC-PTE

4 Julie Parish, P.T.

**ADMINISTRATIVE LAW JUDGE
DECISION**

5 Holder of License No. 5214
6 For the practice of Physical Therapy
7 In the State of Arizona

8 Respondent
9

10
11 **HEARING:** The Arizona Board of Physical Therapy was represented by
12 Assistant Attorney General Melissa S. Cornelius. Julie Parish, P.T., did not appear.

13 **APPEARANCES:**

14 **ADMINISTRATIVE LAW JUDGE:** Brian Brendan Tully
15

16
17 Evidence and testimony were presented and, based upon the entire record in
18 this matter, the following Findings of Fact, Conclusions of Law and Recommended
19 Order are made:

20 **FINDINGS OF FACT**
21

- 22 1. The Arizona State Board of Physical Therapy ("Board") is the duly constituted
23 authority for licensing and regulating the practice of physical therapy in the State
24 of Arizona.
- 25 2. Julie Parish, P.T., ("Respondent") is the holder of License No. 5214 for the
26 practice of physical therapy in the State of Arizona.
- 27 3. Physical therapy licensees are required to successfully complete 20 hours of
28 continuing competence every two years. Licensees are required to maintain
29 evidence of their compliance and to submit such evidence if audited by the
30 Board's Continuing Competence Audit Committee ("Committee").

Office of Administrative Hearings
1400 West Washington, Suite 101
Phoenix, Arizona 85007
(602) 542-9826

Attachment A

- 1 4. The Committee conducts random audits of licensees to verify compliance with
2 the continuing competence requirements.
- 3 5. Respondent filed an application for renewal of her license for the 2004-2006
4 licensure period. In her application, Respondent stated that she was compliant
5 with the required continuing competence requirements for the 2002-2004
6 licensing period.
- 7 6. Respondent was included in the group of licensees audited by the Committee for
8 the 2002-2004 licensure period in October 2004. The Board's Executive Director,
9 Heidi Herbst Paakkonen, sent a letter by certified mail to Respondent requesting
10 that she submit evidence of her continuing competence requirements described
11 in A.A.C. R4-24-401 through A.A.C. R4-24-403 for the period of September 1,
12 2002 though August 31, 2004. There is evidence that Respondent received that
13 letter at her address of record with the Board.
- 14 7. On December 21, 2004, at a regularly scheduled meeting, the Board reviewed
15 the documentation of Respondent's education hours and determined that she
16 was deficient a total of 18 hours. The Board granted Respondent six months with
17 which to come into compliance and complete the remaining 18 hours of
18 education. The Board's decision was conveyed to Respondent by letter dated
19 January 18, 2005 from the Board's Executive Director.
- 20 8. Respondent failed to demonstrate to the Board that she completed the
21 continuing competence requirements for the 2004-2006 renewal of her license
22 by the July 2005 deadline set by the Board.
- 23 9. By letter dated October 25, 2005, the Board's Executive Director informed
24 Respondent that an Informal Hearing would be conducted on December 25,
25 2005, at 11:30 a.m., concerning her failure to comply with the Board's action in
26 December 2004. A copy of that letter was sent to Respondent by certified mail to
27 her address of record with the Board. The domestic return receipt for the mailing
28 was signed by a T. Griffis on November 5, 2005. The receipt also contained a
29 handwritten notation indicating a new address in Vermont for Respondent.
- 30 10. On December 2, 2005, Respondent wrote to the Board's Executive Director
stating that she could not attend the Informal Hearing due to living and working

1 out of state. Respondent's letter contained a second Vermont address.
2 Respondent did attach an unofficial transcript from the Arizona School of Health
3 Sciences. The unofficial transcript listed course work taken by Respondent for
4 the 2004-2005 academic year.

5 11. On December 20, 2005, the Board conducted an Informal Hearing concerning
6 Respondent. The Board's Executive Director advised the Board that had
7 Respondent submitted information about her course work at Arizona School of
8 Health Sciences on or before the July 2005 deadline that the case against her
9 would not have been initiated against her. The Board determined that
10 Respondent be directed to submit an official transcript to the Board within 15
11 days of notification.

12 12. On December 29, 2005, the Board's Executive Director left two voice mail
13 messages for Respondent, one on her home telephone and another on her
14 cellular telephone, advising her of the Board's 15-day deadline for submitting an
15 official transcript to the Board.

16 13. Respondent failed to satisfy the Board's requirement that she submit an official
17 transcript within 15 days of being notified.

18 14. On or about May 3, 2006, the Board issued a Complaint and Notice of Hearing
19 alleging acts of unprofessional conduct by Respondent, a copy of which was
20 sent by certified mailed to Respondent at her address of record with the Board.
21 The mailing was received and signed for by Kevin Parish.

22 15. After the Board issued the Complaint and Notice of Hearing, Board staff received
23 the requested official transcript, which had been issued by the school on March
24 28, 2006.

25 16. Respondent had not complied with the continuing competence requirements for
26 the 2002-2004 licensure period at the time she submitted her renewal application
27 for the 2004-2006 licensure period. However, Respondent did eventually
28 complete her competence requirements for the 2002-2004 licensing period by
29 completing sufficient course work during the six-month extension given by the
30 Board.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Respondent and the subject matter in this case.
2. Pursuant to A.R.S. § 41-1092.07(G)(2), the Board has the burden of proof in this matter. The standard of proof is a preponderance of the evidence. A.A.C. R2-19-119(A).
3. The conduct and circumstances described in the above Findings constitute a violation by Respondent of A.R.S. § 32-2044(1) (violating this chapter, Board rules or a written Board order), specifically A.A.C. R4-24-401(A) (a licensed therapist shall earn 20 contact hours of continuing competence activities for each compliance period to be eligible for renewal of licensure).
4. The conduct and circumstances described in the above Findings constitute a violation by Respondent of A.R.S. § 32-2044(1) (violating this chapter, Board rules or a written Board order), specifically A.A.C. R4-24-401(G)(2) (within thirty (30) days of notice of audit, a licensee shall submit evidence to the Board that shows compliance with the requirements of continuing competence).
5. The conduct and circumstances described in the above Findings constitute a violation by Respondent of A.R.S. § 32-2044(3) (obtaining or attempting to obtain a license by fraud or misrepresentation). At the time Respondent submitted her license renewal application for the 2004-2006 licensure period, she had not satisfied the competency requirements for the 2002-2004 licensure period as she had avowed in her application.
6. The conduct and circumstances described in the above Findings constitute a violation by Respondent of A.R.S. § 32-2044(14) (making misleading, deceptive, untrue or fraudulent representations in violation of this chapter). Respondent affirmed to the Board that she obtained the required continuing education credit to renew her license when she signed her 200402006 renewal application, when in fact she had not satisfied those requirements.
7. The conduct and circumstances described in the above Findings establish grounds for disciplinary action against Respondent, pursuant to A.R.S. § 32-2047.

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RECOMMENDED ORDER

In view of the foregoing, it is recommended that Respondent's License No. 5214 be suspended for 30 calendar days commencing on the effective date of the entered Order in this matter.

It is further recommended that Respondent be imposed a civil penalty in the amount of \$500.00, which shall be paid to the Board within 30 days of the effective date of the entered Order in this matter, unless such deadline date is extended by the Board.

Done this day, May 30, 2006.

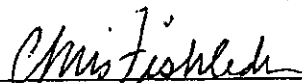


Brian Brendan Tully
Administrative Law Judge

Original transmitted by mail this

31 day of May, 2006, to:

Heidi Herbst Paakkonen, Executive Director
Physical Therapy Examiners
1400 West Washington, Suite 230
Phoenix, AZ 85007

By _____

1 **BEFORE THE BOARD OF PHYSICAL THERAPY**
2 **OF THE STATE OF ARIZONA**
3

4 In the Matter of:)
5 Julie Parish, P.T.) **DOCKET NO. 06A-04-05-CC-PTE**
6 License No. 5214)
7 For the Practice of Physical Therapy) **DECISION**
8 In the State of Arizona)
9 _____)

10
11 The Arizona Board of Physical Therapy adopts the Administrative Law Judge's Decisions
12 of Findings of Fact, Conclusions of Law and Recommended Order (attached).
13

14 IT IS SO ORDERED this 27th day of June, 2006.
15

16 **ARIZONA BOARD OF PHYSICAL THERAPY**

17 By: Heidi Herbst Paakkonen
18 Heidi Herbst Paakkonen, Executive Director
19
20

21 ORIGINAL of the foregoing filed this 27th day of June, 2006 with:
22 Arizona Office of Administrative Hearings
23 1400 West Washington
24 Phoenix, AZ 85007
25

26 COPY of the foregoing sent certified mail this 27th day of June, 2006 to:
27 Ms. Julie Parish, P.T.
28 32 Christine Court
29 Milton, VT 05468
30 #70041350000081456998
31

1 COPY of the foregoing mailed this 27th day of June, 2006, to:

2 Melissa Cornelius, Esq., Assistant Attorney General and Attorney for the Board

3 1275 W. Washington, CIV/LES

4 Phoenix, AZ 85007

5
6 By: Diide Herbert Padonon

7 Executive Director