

BEFORE THE ARKANSAS STATE BOARD OF PHYSICAL THERAPY

IN THE MATTER OF CHARLES B. CARTER, PTA 1849

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

A hearing on the above-referenced matter was held before the Arkansas State Board of Physical Therapy (“the Board”) on May 19, 2011, at 9 Shackelford Plaza, Little Rock, Arkansas. Mr. Charles Carter PTA 1849, hereinafter referred to as “Respondent,” appeared before the Board. On the basis of the testimony and other evidence presented, the Board made the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Respondent is a licensed physical therapist assistant in the State of Arkansas.
2. On February 3, 2011, a letter of complaint was received from Piper Hall-Blankenship and Keri Brower stating Respondent had been arrested for manufacturing, possession and delivery of a controlled substance.
3. On December 20, 2003 Respondent was charged in Cross County with criminal offenses for carrying a weapon and possession of an instrument of crime.
4. On February 3, 2004 Respondent completed his PTA license renewal application online and he responded no to the question “Have you ever been charged with or convicted (including a nolo contendere plea or guilty plea) of a felony (or criminal offense) in any state or federal court (other than minor traffic violations) whether or not a sentence was imposed or suspended.”
5. On January 4, 2005 Respondent’s PTA license renewal application was received and he responded no to the question “Within the last two (2) years have you been charged with or convicted (including a nolo contendere plea or guilty plea) of a felony (or

- criminal offense) in any state or federal court (other than minor traffic violations) whether or not a sentence was imposed or suspended.”
6. On September 15, 2005 Respondent was charged in Cross County with the criminal offense of driving on a suspended license.
 7. On January 19, 2006 Respondent’s PTA license renewal application was received and he responded no to the question “Within the last two (2) years have you been charged with or convicted (including a nolo contendere plea or guilty plea) of a felony (or criminal offense) in any state or federal court (other than minor traffic violations) whether or not a sentence was imposed or suspended.”
 8. On February 23, 2007 Respondent’s PTA license renewal application was received and he responded no to the question “Within the last two (2) years have you been charged with or convicted (including a nolo contendere plea or guilty plea) of a felony (or criminal offense) in any state or federal court (other than minor traffic violations) whether or not a sentence was imposed or suspended.”
 9. On August 8, 2008 Respondent was charged in Cross County with the criminal offense of driving on a suspended license.
 10. On February 28, 2009 Respondent renewed his PTA license online and he responded no to the question “Within the last two (2) years have you been charged with or convicted (including a nolo contendere plea or guilty plea) of a felony (or criminal offense) in any state or federal court (other than minor traffic violations) whether or not a sentence was imposed or suspended.”
 11. On March 2, 2009 and on April 13, 2009 Respondent was charged in Cross County with the criminal offense of failure to appear in court.
 12. On August 3, 2009 Respondent was charged in Cross County with the criminal offense of contempt of court for failure to pay fines.

13. On February 23, 2010 Respondent renewed his PTA license online and he responded no to the question “Within the last two (2) years have you been charged with or convicted (including a nolo contendere plea or guilty plea) of a felony (or criminal offense) in any state or federal court (other than minor traffic violations) whether or not a sentence was imposed or suspended.”
14. On April 13, 2010 Respondent was charged in Cross County with the following criminal offenses: DWI/drugs, refusal to submit tests, manufacture of a controlled substance, possession of a controlled substance, possession of drug paraphernalia with intent to manufacture, possession of a controlled substance with intent to manufacture, and over possession of ephedrine.
15. On August 20, 2010 Respondent was charged in Cross County with the criminal offense of driving on a suspended license.
16. On September 7, 2010 Respondent was charged in Cross County with the following criminal offenses: possession of a controlled substance, possession with intent to deliver, conspiracy, possession of drug paraphernalia, possession of drug paraphernalia with intent to manufacture, and over possession of ephedrine.
17. On September 13, 2010 Respondent was charged in Cross County with the criminal offense of failure to appear in court.
18. On February 28, 2011 Respondent renewed his PTA license online and he responded no to the question “Within the last two (2) years have you been charged with or convicted (including a nolo contendere plea or guilty plea) of a felony (or criminal offense) in any state or federal court (other than minor traffic violations) whether or not a sentence was imposed or suspended.”

CONCLUSIONS OF LAW

1. Based upon the above findings of fact, the Respondent is guilty of seven violations of Ark. Code Ann. § 17-93-308(a)(3) and § 17-93-308(a)(6).

ORDER

1. It is therefore ordered that the Respondent's license be suspended for a minimum of one year beginning May 19, 2011.
2. At the end of one year, Respondent is allowed to apply for reinstatement of his PTA license.
3. If Respondent applies for reinstatement, he will be required to meet with the Board and the Board will determine if Respondent's license will be reinstated. If Respondent's license is reinstated, the Board will determine the restrictions, if any, to place on his license.

Pursuant to Arkansas Code Annotated § 25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the county in which he resides or does business or in the Circuit Court of Pulaski County within thirty days after service of this Order.

ARKANSAS STATE BOARD
OF PHYSICAL THERAPY

Nancy Worthen
Executive Director

Date