

BEFORE THE ARKANSAS STATE BOARD OF PHYSICAL THERAPY

**IN THE MATTER OF
Jimmie W. Holland, Jr., PT**

CONSENT ORDER

The Arkansas State Board of Physical Therapy ("Board") and Mr. Jimmie W. Holland, PT 2678, ("Respondent") acknowledge the existence of a controversy regarding whether Respondent has violated Ark. Code Ann. § 17-93-308(a)(6). Now the Board and Respondent willingly enter into a Consent Order to resolve the pending controversy.

Whereas, Respondent hereby represents and agrees:

1. Respondent, having read the proposed Consent Order, acknowledges that he has consulted with counsel and now enters into this Consent Order on his own volition and without any reliance upon any representations by the Board or any officer, employee, agent or other representative thereof, other than as expressly set forth herein.
2. Respondent hereby waives any further procedural steps including, without limitation, the right to a hearing and all rights to seek judicial review or to otherwise challenge or contest the validity of this Consent Order.
3. Respondent agrees that the Board will review and determine whether to approve this Consent Order. Furthermore, Respondent agrees that should this Consent Order not be approved by the Board, the presentation and consideration of this Consent Order by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of the matters involved herein at any subsequent hearing.

4. Respondent understands and agrees that approval and entry of this Consent Order shall not preclude additional proceedings by the Board against Respondent for acts or omissions not specifically addressed herein.
5. Respondent understands and acknowledges that this Consent Order and the Board's records concerning this matter are public records and available to the public pursuant to the Freedom of Information Act, Ark. Code Ann. § 25-19-101, *et seq.*
6. This agreement shall not become a valid and enforceable order of this Board unless and until accepted and approved by the Board at an official meeting and executed by the Chair of the Board.

FINDINGS OF FACT

1. Respondent is a licensed physical therapist in the State of Arkansas.
2. On or about October 26, 2015, Respondent pleaded nolo contendere to a violation of a domestic order of protection in Little Rock District Court Case No. LRCCR-15-4326. He was found guilty of the charge, which is a Class A misdemeanor.
3. On January 22, 2016, Respondent completed his PT 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.**
4. Respondent failed to disclose his misdemeanor conviction on his 2016 renewal application. The Board sent Respondent an Order and Notice of Hearing regarding his failure to disclose, and this hearing was continued.
5. On or about June 20, 2016, Respondent was charged in Little Rock District Court Case No. LRCCR -16-3386 with Harassing Communications, a Class A misdemeanor.

6. On or about October 19, 2016, Respondent was charged with Rape, a Class Y Felony.
7. On February 7, 2017, Respondent completed his PT license renewal application:
 - a. He responded "yes" 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?** He wrote "Class A misd." on the form.
 - b. In response to the following: *If you answered yes to any of the above questions, please attach information explaining the disciplinary action or conviction including copies of court records, settlement agreements and any other pertinent document,* Respondent wrote: "All my current information is on file @ the ARPTB office already." Board staff wrote Respondent on 2/9/17 and on 2/22/17 and requested additional information, as well as an explanation for his failure to disclose. Respondent never responded.
8. Respondent failed to disclose his misdemeanor charge and his felony charge on his 2017 renewal application.

CONCLUSIONS OF LAW

9. For failing to disclose his misdemeanor conviction on his January 2016 renewal application and for failing to disclose his misdemeanor and felony charges on his February 2017 renewal application, Respondent is in violation of Ark. Code Ann. § 17-93-308(a)(6):

After due notice and hearing, the board may suspend, revoke, or refuse to renew the license of any person licensed under this chapter, or take other appropriate action against any person licensed under this chapter, who:

...

(6) Has obtained, or attempted to obtain, licensure by fraud or material misrepresentation.


ORDER

THEREFORE, IT IS SO ORDERED THAT:


1. Respondent's license as a physical therapist is hereby SUSPENDED from the date the Board signs this Consent Order until Respondent's pending rape charge is resolved, at which time the Board at its next scheduled meeting will either lift Respondent's suspension or initiate a separate proceeding; and
2. The Board shall retain jurisdiction of this matter for purposes of implementing and enforcing this Consent Agreement, and Respondent's failure to comply with any term or condition of this Consent Agreement shall constitute grounds to impose disciplinary action pursuant to Ark. Code Ann. § 17-93-301 *et seq.*

8/3/17
Date

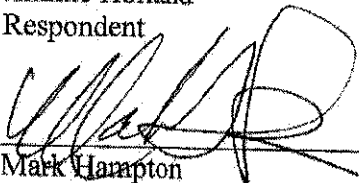
ARKANSAS STATE BOARD
OF PHYSICAL THERAPY


Robert Hill, Chair
Ark. State Bd. of Physical Therapy

8/2/17
Date


Jimmie Holland
Respondent

8/2/17
Date


Mark Hampton
Attorney for Respondent