

BEFORE THE ARKANSAS STATE BOARD OF PHYSICAL THERAPY

In the Matter of Tristan Tiarks, License # PT 3288

ORDER

The Arkansas State Board of Physical Therapy (“the Board”) held a hearing at 9 Shackleford Plaza, Suite 3, Little Rock, Arkansas, at 9:00 a.m. on March 7, 2019, to determine whether Tristan Tiarks (“Respondent”) has violated the Arkansas Physical Therapy Act and whether he should be subject to the penalties allowed by law. Respondent did not appear. The Board was represented by its attorneys, Attorney General Leslie Rutledge and Assistant Attorney General Sara Farris. Based on the evidence presented, the Board finds as follows:

FINDINGS OF FACT

1. Tiarks is a licensed physical therapist in Arkansas.
2. On January 11, 2019, Respondent was arrested for rape of a three-year old child, second-degree battery, and aggravated assault on a family or household member.
3. The alleged victim referenced in paragraph 1 is the child of a former physical therapy patient of Respondent’s.
4. On August 2, 2012, after a hearing, the Board entered an Order stating the following:
 - a. Tiarks treated a female patient who filed a complaint with the Board against him. Tiarks pulled the patient’s shorts and underwear down and applied tape to her while she was exposed without proper draping. He also phoned and texted the female patient and offered to treat her on a Sunday when the clinic was closed.
 - b. The Board found Tiarks guilty of immoral or unprofessional conduct in violation of Ark. Code Ann. § 17-93-308(a)(3).

- c. Tiarks' physical therapy license was placed on probation for one year, during which year he could not act as a clinical instructor or mentor a physical therapy student. He was also ordered to complete a Board-approved structured ethics course.
5. On October 27, 2017, Tiarks was terminated from his job. A patient complained that, while treating her, he leaned close to her and made an inappropriate comment with a sexual connotation. Six months prior to his termination, he was verbally counseled after a patient complained that Tiarks was rubbing a co-worker's shoulders.
6. Currently, Tiarks is the owner and operator of his own clinic.
7. On January 14, 2019, the Board issued a summary suspension of Respondent's license pursuant to Ark. Code Ann. § 25-15-211.

CONCLUSIONS OF LAW

8. Respondent's actions as described in Findings of Fact paragraphs 2- 5 are a violation of Ark. Code Ann. § 17-93-308(a)(3):

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:

...
(3) Is, in the judgment of the board, guilty of immoral or unprofessional conduct.

9. In addition, the Board believes that Respondent continues to pose a threat to the public health, safety, and welfare, such that his licensure suspension should be continued pending the outcome of the criminal proceedings. Ark. Code Ann. § 25-15-211.

ORDER

Tristan Tiarks' physical therapy license continues to be suspended pending future action to be held upon the disposition of the criminal proceedings against him. This Order is effective immediately.

Pursuant to Ark. Code Ann. § 25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court of Pulaski County within thirty (30) days after the service of this Order.

IT IS SO ORDERED this 7th day of March, 2019.

**ARKANSAS STATE BOARD OF
PHYSICAL THERAPY**

By: Nancy Worthen
Nancy Worthen, Executive Director