

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M. Wells Building
160 East 300 South
P O Box 146741
Salt Lake City UT 84114-6741
Telephone: (801) 530-6628

**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF :
BYRON MILLARD THOMPSON TO : **NOTICE OF AGENCY ACTION**
PRACTICE AS A PHYSICAL THERAPIST IN :
THE STATE OF UTAH : Case No 2012-500

THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING TO
BYRON MILLARD THOMPSON ("Respondent")

The Division of Occupational and Professional Licensing ("the Division") hereby files this notice of agency action. The jurisdiction and authority for this action is §58-1-401(2).

This action is filed based upon a review of the Division's records and investigation ("file") that indicate Respondent has engaged in unprofessional conduct in violation of §58-1-501(2)(a)and(d)and §R156-1-501 (1).

ALLEGATIONS SUPPORTING THIS ACTION

1. Respondent is, and at all times relevant to this proceeding has been, licensed to practice as a physical therapist in the State of Utah Respondent was first licensed as a physical therapist in the State of Utah on or about June 17, 1997.

2 A review of Respondent's file indicates that Respondent surrendered licensure to another licensing or regulatory authority having jurisdiction over Respondent in the same occupation or profession after a charging document was filed against Respondent alleging unprofessional conduct, in violation of unprofessional conduct defined in §R156-1-501(1), thus constituting a basis for action under §58-1-401(2)

3. In particular, on or about May 7, 2012 Respondent voluntarily entered into a Stipulated Surrender of License and Order (“California agreement”) with the Physical Therapy Board of the State of California, which, along with an associated Decision and Order and Accusation, is incorporated by reference into this Notice of Agency Action and attached as Exhibit A.

4. The allegations contained in Exhibit A would constitute unprofessional conduct in the State of Utah.

5. If allegations outlined in the paragraphs above are determined to be true, it is important to note that Respondent was previously disciplined in California (Case No. ID 2002-63012) and Utah (Case No. DOPL-2005-112) for having engaged in similar misconduct with a patient. These documents are incorporated by reference into this Notice of Agency Action and attached as Exhibit B. This pattern of misconduct constitutes an aggravating circumstance under §R156-1-102 (2).

NOTICE OF INFORMAL PROCEEDINGS

This action is designated as an informal adjudicative proceeding (“proceeding”) in §R156-46b-202 in accordance with §63G-4-202(1).

You may represent yourself or legal counsel may represent you, at your own expense, while this action is pending. If you are represented by legal counsel, your attorney must file a Notice of Appearance with the Division at the address stated below. Until an Entry of appearance is filed, the presiding officer, or others within or representing the Division, will communicate directly with you

The presiding officer for this proceeding is Mark. B. Steinagel, Director, Division of Occupational and Professional Licensing

Richard J. Oborn is the Bureau Manager for your occupation or profession. If you or your attorney have any questions as to the procedures related to this matter, Mr. Oborn can be reached at the address provided below for a written response, by telephone at (801) 530-6767, or by email at roborn@utah.gov.

The proceeding will be conducted pursuant to §63G-4-203. There is no right to a hearing in this proceeding. The decision in this matter will be based upon a review of the Division’s file.

Within ten (10) days of the mailing date of this notice, you may obtain by written request a copy of the relevant and nonprivileged contents of the Division’s file related to this proceeding. Your request, if any, should be submitted to the address stated below.

Within thirty (30) days of the mailing date of this notice, you are required to file a written response herein. A response may be helpful to clarify, refine, or narrow the facts and violations related to the basis for this action as contained in the Division’s file.

If you fail to file a response, it will constitute a basis for entry of default, and an order will be entered by the Presiding Officer without your participation. It will be based

Upon a review of the Division's file and, as deemed necessary, a review and recommendation by the Utah Physical Therapy Licensing Board.

If you file a response, it will be included in the Division's file and will be considered by the presiding officer. The consideration may also include a review and recommendation by the Utah Physical Therapy Licensing Board to the presiding officer. An original of your response, if any, should be mailed or hand delivered to:

Division of Occupational and Professional Licensing
Attn: Informal Disciplinary Files
(by mail): PO Box 146741
Salt Lake City UT 84114-6741
(by hand delivery):
160 East 300 South, 4th floor
Salt Lake City, Utah

If you file a Response, you will be notified if this action is placed on the Board's agenda. Board meetings are normally open to the public and public comment may be provided if permitted by the chair of the Board. However, please note that if this action is placed on the Board's agenda, it is an agenda item, not a disciplinary hearing.

At the expiration of your deadline to submit a response, and without further notice to you, the presiding officer will make an informal review of the record in this matter and determine whether you have engaged in unprofessional conduct in violation of in violation of unprofessional conduct defined in §R156-1-501(1), thus constituting a basis for action under §58-1-401(2)

The maximum administrative sanction in this case is revocation of license to practice as a physical therapist and an order that you may not reapply for licensure as a physical therapist for five years. Other administrative sanctions may be imposed by the Division, including suspension of your license or restrictions imposed on the scope of your license.

Please conduct yourself accordingly

Dated this 11 day of December, 2012.





W. Ray Walker
Regulatory & Compliance Officer

Exhibit A

1 KAMALA D HARRIS
Attorney General of California
2 GAIL M. HEPPPELL
Supervising Deputy Attorney General
3 MARA FAUST
Deputy Attorney General
4 State Bar No. 111729
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5358
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **PHYSICAL THERAPY BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 1D 2010 68451

12 **BYRON MILLARD THOMPSON**

OAH No 2011080454

14 Physical Therapist License No PT22397

13 **STIPULATED SURRENDER OF**
14 **LICENSE AND ORDER**

15 Respondent.

16
17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1 Rebecca Marco (Complainant) is the Executive Officer of the Physical Therapy
22 Board of California. She brought this action solely in her official capacity and is represented in
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Mara Faust,
24 Deputy Attorney General

25 2. Byron Thompson, PT (Respondent) is represented in this proceeding by attorney
26 Dennis R. Thelen, whose address is The Law Offices of LeBeau, Thelen, LLP
27 5001 E. CommerCenter Drive, Bakersfield, CA 93309
28

1 1. The surrender of Respondent's Physical Therapist License and the acceptance of the
2 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
3 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
4 license history with the Physical Therapy Board of California

5 2. Respondent shall lose all rights and privileges as a Physical Therapist in California as
6 of the effective date of the Board's Decision and Order

7 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
8 issued, his wall certificates on or before the effective date of the Decision and Order

9 4. If Respondent ever files an application for licensure or a petition for reinstatement in
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
11 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
12 effect at the time the petition is filed, and all of the charges and allegations contained in
13 Accusation No. 1D 2010 68451 shall be deemed to be true, correct and admitted by Respondent
14 when the Board determines whether to grant or deny the petition

15 5. If Respondent should ever apply or reapply for a new license or certification, or
16 petition for reinstatement of a license, by any other health care licensing agency in the State of
17 California, all of the charges and allegations contained in Accusation, No. 1D 2010 68451 shall
18 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
19 Issues or any other proceeding seeking to deny or restrict licensure

20 6. Respondent shall pay the Board its costs of investigation and enforcement in
21 the amount of \$14,400.00 prior to issuance of a new or reinstated license

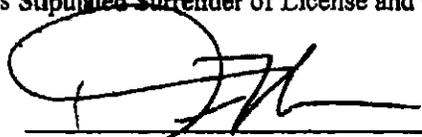
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Dennis R. Thelen. I understand the stipulation and the effect it will have on my Physical Therapist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physical Therapy Board of California.

DATED: 5/10/12 5/7/12 
BYRON THOMPSON, PT
Respondent

I have read and fully discussed with Respondent Byron Thompson, PT the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content

DATED: 5-8-12 
DENNIS R. THELEN
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California of the Department of Consumer Affairs

Dated: 5/9/12

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
GAIL M. HEPPELL
Supervising Deputy Attorney General


MARA FAUST
Deputy Attorney General
Attorneys for Complainant