



## KENTUCKY BOARD OF PHYSICAL THERAPY

**Matthew G. Bevin**  
Governor

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**Scott D. Majors**  
Executive Director

September 24, 2019

CERTIFIED MAIL  
AND REGULAR MAIL

James Richard Roe, PT  
237 Forest Hill Drive  
Lexington, KY 40509

Re: **Order and Notice of Immediate Temporary Suspension**  
**License No. 003294**  
**Agency Case No. C2019-105**

Dear Mr. Roe:

On September 19, 2019, and during a regularly scheduled Board meeting ("meeting"), the Kentucky Board of Physical Therapy ("Board") discussed your urinalysis test on September 9, 2019, which resulted in a positive for ethyl alcohol.

Following a review of the relevant information, the Board made the following findings of fact:

1. On or about November 15, 2018, you entered into a Settlement Agreement with the Kentucky Board of Physical Therapy that required a lifetime IPTPC commitment, compliance with all IPTPC terms, and compliance with your May 13, 2011 and November 20, 2014 disciplinary actions.
2. On or about September 9, 2019, you submitted to a urinalysis test, which resulted in a positive result for the presence of Ethyl Alcohol and Ethyl Sulfate.
3. On or about September 16, 2019, you submitted to a Phosphatidylethanol (PEth) test, which resulted in positive result for the presence of Phosphatidyl Ethanol.

Based upon this information the Board finds that there is reasonable and probable cause to believe that you violated KRS 327.070(2)(a)(indulgence in excessive use of alcoholic beverages or abusive use of controlled substances). The Board further finds that there is reasonable and probable cause to believe that you may be impaired from a mental or physical condition that impedes your ability to work or practice competently. See, KRS 327.040(14).

The Board hereby **ORDERS** that your physical therapist license No. 003294 issued by the Board is immediately and temporarily suspended.

**This immediate temporary suspension shall become effective upon your receipt of this Order, but in no event later than Friday, September 27, 2019, at 5:00 p.m. E.T. You may not work as a physical therapist after receiving this Order, but in no event later than Friday, September 27, 2019, at 5:00 p.m. E.T., unless you hold a current certificate in good standing issued by the Board.**

You may appeal this action of the Board under KRS 13B.125 by filing a written request with the Board for an emergency hearing. You are hereby **ORDERED** by the Board that, if you wish to appeal this action by requesting an emergency hearing, you shall do so as set forth herein by notifying the Board through its staff that you desire an emergency hearing, which shall be conducted under KRS 13B.125. A request for an emergency hearing does not stay the effectiveness of this Order. If you request an emergency hearing, the only issue in such an emergency hearing under KRS 13B.125 is whether "there is substantial evidence of a violation of law which constitutes an immediate danger to the public health, safety, or welfare." The violation of law cited herein is KRS 327.070(2)(a), and the authority for issuing this Order of Immediate Temporary Suspension is KRS 327.040(14) and KRS 13B.125.

Please review this Order, sign and date below, and provide a copy to a representative of the Board, or mail a copy to the Board at the address on this letterhead, to acknowledge receipt and compliance. Your failure to comply with this instruction shall not alter the legal effect of this document or the suspension of your license to work as a physical therapist.

Sincerely,



Scott D. Majors  
Executive Director  
Kentucky Board of Physical Therapy  
(at the express direction provided by KBPT)

cc: M. Keith Poynter, General Counsel  
Brian Fingerson, R.Ph., Impaired Physical Therapy Practitioner's Committee  
Dan Martin, PT, Kentucky Board of Physical Therapy Chair