

OHIO OCCUPATIONAL THERAPY AND PHYSICAL THERAPY BOARD



January 2, 1990

IN RE: The Suitability of)
Richard Louis Canaly)
To Retain His License)
To Practice As A Physical)
Therapist Assistant)

NOTICE OF OPPORTUNITY
FOR HEARING

TO: Richard Louis Canaly)
10121 Adelaide)
Cleveland, Ohio 44111)

In accordance with Chapter 119., and Chapter 4755., of the Ohio Revised Code, you are hereby notified that the Physical Therapy Section of the Ohio Occupational Therapy and Physical Therapy Board intends to consider, pursuant to section 4755.47 of the Revised Code, whether or not your license to practice as a physical therapist assistant should be limited, revoked, or suspended, or whether you should be reprimanded or placed on probation for the following reasons:

1. That on or about April 30, 1984 you were convicted of a 3rd degree felony for a violation of section 2925.03 of the Ohio Revised Code, "Trafficking and Drugs", by the Cuyahoga County Court of Common Pleas in case number 187662.
2. That on or about May 28, 1986 you did submit a notarized application for a physical therapist assistant license to the Physical Therapy Section, Ohio Occupational Therapy and Physical Therapy Board. In said application you did check "No" to the question "Have you ever been convicted of a felony or any offense involving moral turpitude?". From said application you did obtain a license to practice as a physical therapist assistant.

Such conduct as cited in numbers 1 and 2 above constitute violation of sections 4755.47 (B), (C), and (F) of the Ohio Revised Code and therefore the Physical Therapy Section intends to consider whether or not to take action against your license to practice as a physical therapist assistant.

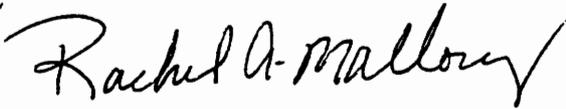
In accordance with section 119.07 of the Ohio Revised Code and rule 4755-21-03 of the Physical Therapy Section, you are hereby notified that you are entitled to a hearing regarding this matter. Your request for a hearing must be received by this office in writing within thirty (30) days of the mailing of this notice.

Further, you are advised that you are entitled to appear at such a hearing in person, or by your attorney, or you may present your position, arguments or contentions in writing and that at the hearing you may present evidence and examine witnesses appearing for or against you.

R. Canaly Notice of Opportunity
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If our office has not received your request for a hearing within thirty (30) days of the mailing of this notice, the Physical Therapy Section will deem the acts aforementioned to be proven and will take action regarding this matter in your absence.

SENT BY ORDER OF THE PHYSICAL THERAPY SECTION OF THE OHIO OCCUPATIONAL THERAPY AND PHYSICAL THERAPY BOARD.



Rachel A. Mallory
Executive Director

c Leon R. Anderson, Jr., PT, Chairman
Physical Therapy Section

Lauren Ross, Assistant Attorney General

OHIO OCCUPATIONAL THERAPY AND PHYSICAL THERAPY BOARD



April 11, 1990

OHIO OCCUPATIONAL THERAPY AND PHYSICAL THERAPY BOARD

IN RE:)
)
THE SUITABILITY OF RICHARD)
LOUIS CANALY TO RETAIN HIS)
LICENSE TO PRACTICE AS A)
PHYSICAL THERAPIST ASSISTANT)

To: Richard Louis Canaly
10121 Adelaide
Cleveland, Ohio 44111

ADJUDICATION ORDER

In accordance with Chapter 119 of the Ohio Revised Code, a hearing to consider whether Richard Louis Canaly's license to practice as a physical therapist assistant in the State of Ohio should be limited, revoked, or suspended, or whether he should be reprimanded or placed on probation, was held before Attorney Hearing Officer John Wm. Hoppers on Thursday, March 8, 1990.

Having read and considered the hearing officer's report and recommendation, transcript of testimony and exhibits of evidence, and the written objections submitted by Mr. Canaly, the Physical Therapy Section approves the report and recommendation in part and modifies it in part.

In particular, the Section approves the Findings of Fact set forth in the report and recommendation.

The Section approves the part of the Conclusions of Law which concludes that Mr. Canaly willfully made false statements to the Board on his initial application of licensure.

However, the Board modifies and deletes the part of the Conclusions of Law that Mr. Canaly willfully made false statements on his renewal applications since the date of licensing. This modification is made because the question on the renewal applications about criminal convictions was limited to any conviction since the time of last renewal.

The Section approves the Recommendation that Mr. Canaly's license be revoked. However, the Section modifies and deletes the part of the Recommendation that provides that Mr. Canaly be permitted to reapply for licensing only after his felony conviction is expunged.

ORDER

THE PHYSICAL THERAPIST ASSISTANT LICENSE OF RICHARD LOUIS CANALY is hereby REVOKED.

APPEAL RIGHTS

Chapter 119 of the Ohio Revised Code may authorize an appeal from this order. Such an appeal may be taken to the court of common pleas in the county in which Mr. Canaly's place of business is located or to the court of the county in which he resides. If he does not have a place of business in Ohio and is not a resident of Ohio, he may appeal to the Court of Common Pleas of Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the Physical Therapy Section of the Ohio Occupational Therapy and Physical Therapy Board and the appropriate Court of Common Pleas within fifteen (15) days after the mailing of this notice, in accordance with the requirement of Chapter 119 of the Ohio Revised Code.

DONE BY ORDER OF THE PHYSICAL THERAPY SECTION OF THE OHIO OCCUPATIONAL THERAPY AND PHYSICAL THERAPY BOARD.



Leon R. Anderson, Jr., P.T., Chairman
Physical Therapy Section

cc: Lauren M. Ross
Assistant Attorney General

BOARD SEAL