

**IN THE MATTER OF**  
**ANNE M. CONWAY, P.T.**  
**License No. 16339**  
**Respondent**

**\* BEFORE THE STATE BOARD**  
**\* OF PHYSICAL THERAPY**  
**\* EXAMINERS**  
**\* CASE NUMBER: 05-29**

\* \* \* \* \*

**FINAL CONSENT ORDER**

Based on information received and a subsequent investigation by the State Board of Physical Therapy Examiners (the "Board"), and subject to Md. Health Occ. Ann. § 13-101, et seq., (2000 Repl. Vol. and 2004 Supp.) (the "Act"), the Board charged Anne M. Conway, P.T., (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of § 13-316:

Subject to the hearing provisions of § 13-317 of this subtitle, the Board may deny a license, temporary license, or restricted license to any applicant, reprimand any licensee or holder of a temporary license or restricted license, place any licensee or holder of a temporary license or restricted license on probation, or suspend or revoke a license, temporary license, or restricted license if the applicant, licensee or holder:

- (10) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or Veterans Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes[;].

The ground under the Board's disciplinary statutes is:

- (11) Practices physical therapy or limited physical therapy with an unauthorized person or supervises or aids an unauthorized person in the practice of physical therapy or limited physical therapy [;].

The Respondent was given notice of the issues underlying the Board's charges by letter dated August 16, 2005. Accordingly, a Case Resolution Conference was held on

October 11, 2005, and was attended by Margery Rogers, P.T., Board President, and Susan Cabanero-Johnson, P.T., Board member, Ann Tyminski, Executive Director of the Board, and Linda Bethman, Assistant Attorney General, Counsel to the Board. Also in attendance were the Respondent and her attorneys, Raymond Sczudlo and Katharine Porwick, and the Administrative Prosecutor, Roberta Gill, Assistant Attorney General.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

### **FINDINGS OF FACT**

1. At all times relevant to the charges herein, the Respondent was licensed to practice physical therapy in the State of Maryland. The Respondent was first licensed on July 29, 1988. The Respondent's license expires on May 31, 2007.

2. At all times relevant hereto, the Respondent worked as a physical therapist in Washington, D.C., where she is also licensed. In addition to Maryland and D.C., the Respondent is licensed in Virginia and Wisconsin.

3. By application for renewal of her Maryland license, dated May 15, 2005, the Respondent checked off "yes" to question 3, which asks: "Has a state, federal, or foreign licensing or disciplinary board or agency (including Maryland, DC and Puerto Rico), or a comparable body in the armed services, filed any complaints or charges against you, or investigated you for any reason?"<sup>1</sup>

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<sup>1</sup> Unlike certain renewal forms of other boards, this form does not require a detailed explanation of any yes answer and/or explanatory attachments.

4. Based upon the Respondent's positive answer to question 3, the Board obtained a copy of a Settlement Agreement and Consent Order, signed by the Respondent on September 26, 2005, in which the Respondent was ordered to pay a fine to the DC Treasurer of \$3000, within 30 days of the execution of the agreement, and further ordered to prepare an article about the proper supervision of physical therapists, including a therapist whose first application for licensure is pending; the Order further stated that the article shall be suitable for anonymous publication by the Board and submitted to the Board within sixty days of the execution of the Order.

5. The Settlement Order was based upon the following:

The Respondent supervised and practiced with an unlicensed physical therapist who failed the licensure examination and who had been advised to cease practicing. The Respondent continued to supervise this individual at Children's National Medical Center in D.C., even after the individual failed the exam two more times. It was only after the Center was cited by Medicaid/Medicare for being out of compliance for having an unlicensed physical therapist working there that the Respondent terminated his employment.

6. A physical therapist who is disciplined by a board for an action that violates the Maryland Board's statute, e.g., supervising unlicensed persons in the practice of physical therapy, is in violation of the Act.

### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 13-316 (10).

**ORDER**

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 15<sup>th</sup> day of November, 2005, by a majority of a quorum of the Board,

**ORDERED** that the Respondent's license to practice physical therapy is hereby **REPRIMANDED**; and be it further

**ORDERED** that the Respondent shall take Board-pre-approved courses in ethics, and in the law<sup>2</sup> regarding physical therapy; and be it further

**ORDERED** that within 60 days of the effective date of this Order, the Respondent take and pass the Board's requisite jurisprudence examination; failure to either take and/or pass the examination within the timeframe will result in an automatic 30-day suspension;

**ORDERED** that the Consent Order is effective as of the date of its signing by the Board; and be it

**ORDERED** that the burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

**ORDERED** that the Respondent shall practice in accordance with the laws and regulations governing the practice of physical therapy in Maryland; and be it further

**ORDERED** that for purposes of public disclosure, as permitted by Md. State Govt. Code Ann. §10-617(h) (Repl. Vol. 1999), this document consists of the contents of the

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<sup>2</sup> The Respondent has already completed these courses to the Board's satisfaction on September 23 and June 22, 2005, respectively.

foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.

  
Margery Rodgers, P.T., Chair  
State Board of Physical Therapy Examiners

**CONSENT OF ANNE M. CONWAY, P.T.**

I, Anne M. Conway, P.T., by affixing my signature hereto, acknowledge that:

1. I am represented by attorneys, Raymond Sczudlo and Katharine Porwick, and have been advised by them of the legal implication of signing this Consent Order;
2. I am aware that without my consent, my license to practice physical therapy in this State cannot be limited except pursuant to the provisions of § 13-317 of the Act and the Administrative Procedure Act (APA) Md. State Govt. Code Ann. §10-201, et seq., (2004 Repl. Vol.);
3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in § 13-317 of the Act and §10-201, et seq., of the APA, and any right to appeal as set forth in § 13-318 of the Act and §10-201, et seq., of the APA. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary

action, possibly including revocation, against my license to practice physical therapy in the State of Maryland.

11/3/05  
Date

Anne M. Conway RPT  
Anne M. Conway, P.T.

**NOTARY**

~~STATE OF~~

~~CITY/COUNTY OF~~ Washington DC:

I HEREBY CERTIFY that on this 3<sup>rd</sup> day of November, 2005, before me, LINDA MATTHEWS, a Notary Public of the foregoing State and (City/County),  
(Print Name) personally appeared Anne M. Conway, P.T., License No. 16339, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Linda Matthews  
Notary Public

My Commission Expires: 8/14/08