

IN THE MATTER OF	*	BEFORE THE MARYLAND BOARD
SARAH E. RANK, P.T.	*	OF PHYSICAL THERAPY EXAMINERS
License No. 21043	*	Case No. 05-7
Respondent	*	

* * * * *

CONSENT ORDER

The State Board of Physical Therapy Examiners (the "Board") charged **SARAH E. RANK, P.T.** (the "Respondent"), License No. 21043, with violating certain provisions of the Maryland Physical Therapy Act ("the Act"), codified at Md. Health Occ. ("H.O.") Code Ann. §§ 13-101, *et seq.* (2000 and Supp. 2003).

Specifically, the Board charged the Respondent with violating the following provisions of § 13-316 of the Act:

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:

- (14) Willfully fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;
- (16) Violates any provision of this title or rule or regulation adopted by the Board; and
- (26) Fails to meet accepted standards in delivering physical therapy or limited physical therapy care.

The Board charged the Respondent with violating the following regulations:

Code Md. Regs. ("COMAR") tit. 10 § 38.03.02 Standards of Practice.

A. Physical Therapists.

(2) The physical therapist shall:

* * *

(g) Reevaluate the patient as the patient's condition requires, but at least every 30 days, unless the physical therapist, consistent with accepted standards of physical therapy care, documents in the treatment record an appropriate rationale for not reevaluating the patient.

COMAR 10. 38.03.02-1. Requirements for Documentation.

A. The physical therapist shall document legibly the patient's chart each time the patient is seen for:

(1) The initial visit, by including the following information:

- (a) Date;**
- (b) Condition, or diagnosis, or both, for which physical therapy is being rendered;**
- (c) Onset;**
- (d) History, if not previously recorded;**
- (e) Evaluation and results of tests (measurable and objective data);**
- (f) Interpretation;**
- (g) Goals;**
- (h) Modalities, or procedures, or both, used during the initial visit and the parameters involved including the areas of the body treated;**
- (i) Plan of care including suggested modalities, or procedures, or both, number of visits per week, and number of weeks; and**
- (j) Signature, title (PT), and license number.**

- (2) Subsequent visits, by including the following information (progress notes):
- (a) Date;
 - (b) Cancellations, no-shows;
 - (c) Subjective response to previous treatment;
 - (d) Modalities, or procedures, or both, with any changes in the parameters involved and areas of body treated;
 - (e) Objective functional status;
 - (f) Response to current treatment;
 - (g) Continuation of or changes in plan of care; and
 - (h) Plan of care including recommendations for follow-up; and
 - (i) Signature, title (PT), and license number
- (3) Reevaluation, by including the following information in the report, which may be in combination with visit note, if treated during the same visit:
- (a) Date;
 - (b) Number of treatments;
 - (c) Reevaluation, tests, and measurements of areas of body treated;
 - (d) Changes from previous objective findings;
 - (e) Interpretation of results;
 - (f) Goals met or not met and reasons;
 - (g) Updated goals;
 - (h) Plan of care including recommendations for follow-up; and
 - (i) Signature, title (PT), and license number;
- (4) Discharge, by including the following information in the discharge summary, which may be combined with the final visit note, if seen by the physical therapist on the final visit and written by the physical therapist:
- (a) Date;
 - (b) Reason for discharge;
 - (c) Objective functional status;
 - (d) Recommendations for follow-up;
 - (e) Signature, title (PT), and license number.

On June 30, 2004, a Case Resolution Conference ("CRC") was held in an attempt to resolve the Charges pending against the Respondent prior to a hearing. Those who participated in the CRC were the Respondent; Avery Barton Strachan, counsel for the Respondent; James C. Anagnos, Assistant Attorney General/Board Prosecutor; Linda Bethman, Assistant Attorney General/Board Counsel; Ann Tyminski, Board Executive Director; Margery Rodgers, P.T., Board Chair; and Shirley L. Leeper, P.T.A., Board member. As a result of the CRC, the parties entered into the following Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds:

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 10/14/2003 being issued License Number 21043.
2. At all times relevant to the charges herein, the Respondent was employed as a physical therapist at the University of Maryland Medical Center, Department of Rehabilitation Services [hereinafter "UMMC"], located at 22 South Greene Street, Baltimore, Maryland 21201.
3. The Respondent's employment at UMMS constituted her first job as a licensed physical therapist, as she was a recent graduate.
4. The Respondent currently lives and works as a physical therapist in Pennsylvania.

Patient Specific Findings

Patient A¹

5. Patient A was admitted to UMMC on May 12, 2004.
6. On May 13, 2004, according to UMMC billing records, Patient A was initially evaluated by the Respondent. However, the Respondent did not complete an initial evaluation, either in Patient A's chart or online, in violation of H.O. § 13-316(14), H.O. § 13-316(16), *to wit*, COMAR 10.38.03.02-1A(1), and H.O. § 13-316(26).
7. On May 14, 2004, the Respondent treated Patient A for thirty minutes of therapeutic exercise. However, the Respondent incorrectly billed Patient A for therapeutic activity, in violation of H.O. § 13-316(26).

Patient B

8. Patient B was admitted to UMMC on February 7, 2004.
9. Patient B was initially evaluated by the Respondent on February 9, 2004.
10. Patient B should have been reevaluated by the Respondent on March 9, 2004; however, no reevaluation was performed, in violation of H.O. § 13-316(16), *to wit*, COMAR 10.38.03.02A(2)(g) and H.O. § 13-316(26).
11. Patient B was billed for a reevaluation performed by the Respondent on April 20, 2004; however, the reevaluation documentation was not completed nor was Patient B's plan of care updated, in violation of H.O. § 13-316(14), (16), *to wit*, COMAR 10.38.03.02-1A(3), and H.O. § 13-316(26).

¹ Patients' names are confidential.

Patient C

12. Patient C was admitted to UMMC on May 8, 2004.

13. Patient C was initially evaluated by the Respondent on May 11, 2004; however, the Respondent did not complete Patient C's plan of care, in violation of H.O. § 13-316(14), H.O. § 13-316(16), *to wit*, COMAR 10.38.03.02-1A(1), and H.O. § 13-316(26).

Patient D

14. Patient D was admitted to UMMC on May 10, 2004.

15. Patient D was initially evaluated by the Respondent on May 11, 2004; however, the Respondent did not complete Patient D's plan of care, in violation of H.O. § 13-316(14), (16), *to wit*, COMAR 10.38.03.02-1A(1), and H.O. § 13-316(26).

Patient E

16. Patient E was admitted to UMMC on May 2, 2004.

17. On May 3, 2004, according to UMMC billing records, Patient E was initially evaluated by the Respondent. However, the Respondent did not complete an initial evaluation, either in Patient E's chart or online, in violation of H.O. § 13-316(14), H.O. § 13-316(16), *to wit*, COMAR 10.38.03.02-1A(1), and H.O. § 13-316(26).

18. On May 6, 2004, according to UMMC billing records, Patient E was billed for therapeutic activity by the Respondent. However, the Respondent did not document this treatment in Patient E's progress notes, in violation of H.O. § 13-316(14), H.O. § 13-316(16), *to wit*, COMAR 10.38.03.02-1A(2), and H.O. § 13-316(26).

19. On May 12, 2004, Patient E received therapeutic exercise performed by the Respondent. However, the Respondent incorrectly billed Patient E for therapeutic activity, in violation of H.O. § 13-316 (26).

Patient F

20. Patient F was admitted to UMMC on May 1, 2004.

21. On May 3, 2004, according to UMMC billing records, Patient F was initially evaluated by the Respondent. However, the Respondent did not complete an initial evaluation or plan of care, either in Patient F's chart or online, in violation of H.O. § 13-316(14), H.O. § 13-316(16), *to wit*, COMAR 10.38.03.02-1A(1), and H.O. § 13-316(26).

Patient G

22. Patient G was admitted to UMMC on April 4, 2004.

23. Patient G should have been reevaluated by the Respondent on May 5, 2004; however, no reevaluation was performed on that date, in violation of H.O. § 13-316(16), *to wit*, COMAR 10.38.03.02A(2)(g) and H.O. § 13-316(26).

24. Patient G was reevaluated by the Respondent on May 10, 2004; however, the reevaluation documentation was not completed until May 17, 2004 (and only when prompted by a senior physical therapist) and Patient G's plan of care was not updated, in violation of H.O. § 13-316(14), H.O. § 13-316(16), *to wit*, COMAR 10.38.03.02-1A(3), and H.O. § 13-316(26).

25. On April 8, 13, 16, and 29, 2004, the Respondent treated Patient G with therapeutic exercise. However, the Respondent incorrectly billed Patient G for therapeutic activity, in violation of H.O. § 13-316(26).

26. On April 21, 2004, the Respondent treated Patient G with therapeutic activity. However, the Respondent failed to document this in Patient G's progress notes, in violation of H.O. § 13-316(14), H.O. § 13-316(16), *to wit*, COMAR 10.38.03.02-1A(2), and H.O. § 13-316(26).

Patient H

27. Patient H was admitted to UMMC on April 29, 2004.

28. On May 4, 2004, according to UMMC billing records, Patient H was initially evaluated by the Respondent. However, the Respondent did not complete an initial evaluation, either in Patient H's chart or online, in violation of H.O. § 13-316(14), H.O. § 13-316(16), *to wit*, COMAR 10.38.03.02-1A(1), and H.O. § 13-316(26).

29. On May 14, 2004, the Respondent treated Patient H for thirty minutes of therapeutic exercise. However, the Respondent incorrectly billed Patient H for therapeutic activity, in violation of H.O. § 13-316(26).

Patient I

30. Patient I was admitted to UMMC on March 30, 2004.

31. Patient I was reevaluated by the Respondent on May 4, 2004; however, the reevaluation documentation was not completed and Patient I's plan of care was not updated, in violation of H.O. § 13-316(14), H.O. § 13-316(16), *to wit*, COMAR 10.38.03.02-1A(3), and H.O. § 13-316(26).

32. On April 4, and 14, 2004, the Respondent treated Patient I with therapeutic exercise. However, the Respondent incorrectly billed Patient I for therapeutic activity, in violation of H.O. § 13-316(26).

33. On April 21, 2004, the Respondent treated Patient I with therapeutic activities. However, the Respondent failed to document this in Patient I's progress notes, in violation of H.O. § 13-316(14), H.O. § 13-316(16), *to wit*, COMAR 10.38.03.02-1A(2), and H.O. § 13-316(26).

34. On May 11, 2004, the Respondent treated Patient I with therapeutic exercise. However, the Respondent failed to document this in Patient I's progress notes, in violation of H.O. § 13-316(14), H.O. § 13-316(16), *to wit*, COMAR 10.38.03.02-1A(2), and H.O. § 13-316(26).

CONCLUSIONS OF LAW

The Board finds that the Respondent violated H.O. §§ 13-316(a)(14), (16) and (26), and COMAR 10.38.03.02A(2)(g) and 10.38.03.02-1A(1)-(4).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and agreement of the parties, it is this 19th day of July 2005, by a majority of a quorum of the Board

ORDERED that the Respondent's license to practice physical therapy in the State of Maryland is **SUSPENDED** for thirty (30) days, all of which shall be **STAYED**; and be it further

ORDERED that the Respondent shall be placed immediately on **PROBATION** for a period of eighteen (18) months, subject to the following conditions:

1. During the first year of probation, the Respondent shall enroll in and successfully complete a Board-approved Maryland law course, a

Board-approved documentation course, and a Board-approved ethics course;

2. These courses shall be completed in addition to any other continuing education requirements necessary for continued licensure; and be it further

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

ORDERED that should the Board receive a report during the probationary period that the Respondent has violated the Act or if the Respondent violates any conditions of this Order or of probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of this Order or of probation shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it further

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

ORDERED that at the end of the probationary period the Respondent may petition the Board to be reinstated without any conditions or restrictions on her license, provided that she can demonstrate compliance with the conditions of this Order, and be it further

ORDERED that the Respondent shall be responsible for all costs associated with this Consent Order; and be it further

ORDERED that for purposes of public disclosure, as permitted by Md. State Govt. Code Ann. § 10-617(h) (2004 Repl. Vol.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and that the Board may also disclose same to any national reporting data bank to which it is mandated to report.

July 19, 2005
Date

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

CONSENT OF SARAH E. RANK, P.T.

I, Sarah E. Rank, P.T., by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Avery Barton Strachan, Esquire, and have been advised by her of the legal implications of signing this Consent Order.
2. I am aware that without my consent, my license to practice physical therapy in the State of Maryland cannot be limited except pursuant to the provisions of H.O. §§ 13-101 *et seq.* and the Maryland Administrative Procedure Act, 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, at which time I would have demanded strict proof of the allegations in the Charges and been able to have presented evidence in my defense against the Charges.

4. By signing this Consent Order, I hereby consent to the foregoing Findings of Fact, Conclusions of Law, and Order. By doing so, I waive my right to a formal hearing as set forth in H.O. § 13-317 and the APA. I acknowledge that by my failure to abide by the conditions set forth in this Order, I may suffer disciplinary action, possibly including revocation, against my license to practice physical therapy in the State of Maryland.

6-30-05
Date

Sarah E. Rank, PT
Sarah E. Rank, P.T.

STATE OF Maryland

CITY/COUNTY OF Baltimore County

I HEREBY CERTIFY that on this 30 day of June 2005, before me, a Notary Public of the foregoing State and City/County, personally appeared Sarah E. Rank, P.T., License No. 21043, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Notary Public: [Signature]

My Commission Expires: Oct 2008