

IN THE MATTER OF
PETER BACKE, P.T.
License No. 17348

*** BEFORE THE**
*** MARYLAND STATE BOARD**
*** OF PHYSICAL THERAPY**
*** EXAMINERS**

* * * * *

CONSENT ORDER

BACKGROUND

On our about May 15, 2009, the Maryland Board of Physical Therapy Examiners (the "Board") received a credible complaint that during his previous employment, Peter Backe, P.T. failed to write or record, in the medical record, narrative progress notes and re-evaluations for 38 of his patients in violation of the Requirements for Documentation proscribed in COMAR 10.38.03.02-1. In lieu of instituting formal proceedings against Mr. Backe's license, in accordance with the Maryland Physical Therapy Act, Md. Code, Health Occ. § 13-316(15), the Board held a Pre-charge Case Resolution Conference ("CRC") with Mr. Backe on August 17, 2010. Thereafter, the Board and Mr. Backe agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. Mr. Backe was licensed in 1992 as a physical therapist in Maryland under License No. 17348.
2. On or about May 1, 2009 Mr. Backe's supervisor was searching for a patient chart when she discovered the chart in Mr. Backe's desk and noticed several daily treatment notes were missing.
3. Mr. Backe's supervisor subsequently located other charts for Mr. Backe's patients that

revealed missing documentation.

4. Mr. Backe's supervisor then conducted chart audits of thirty-eight (38) of Dr. Backe's patients and discovered a total of 228 missing daily treatment entries between November 2008 and April 2009.
5. Thereafter, Mr. Backe was terminated from his employment.
6. Mr. Backe asserts that he subsequently recorded in the medical record late entries for all of the missing progress notes and re-evaluations based on treatment records that were completed contemporaneously with the patient treatment.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Mr. Backe is subject to discipline pursuant to Md. Code, Health Occ. § 13-316(15) for violations of COMAR 10.38.03.02-01.

ORDER

Based on an affirmative vote of the Board, it is this 16th day of November, 2010, hereby:

ORDERED that Mr. Backe's license is hereby placed on PROBATION for at least TWO YEARS; and be it further,

ORDERED that within the first year of the probationary period Mr. Backe shall successfully complete a Board-approved documentation course and provide the Board with proof of the same; and be it further,

ORDERED that within the first year of the probationary period Mr. Backe shall successfully complete the Board's law and ethics course; and be it further,

ORDERED that during the probationary period Mr. Backe shall submit four patient charts for the Board's review within the first three months of his probation; and be it further,

ORDERED that after the first three months of his probation Mr. Backe shall submit patient charts for the Board's review at the Board's discretion; and be it further,

ORDERED that in the event Mr. Backe violates the terms and conditions of his probation, the Board may, after notice and an opportunity for a show cause hearing, impose further disciplinary action, including suspension, revocation, or imposition of a monetary penalty in accordance with COMAR 10.38.02.03; and be it further,

ORDERED that failure to cooperate with the Board's monitoring of Mr. Backe's fulfillment of the probationary terms of this order may be considered a violation of this Order and subject him to further disciplinary action by the Board; and be it further,

ORDERED that Mr. Backe shall be responsible for all costs associated with this Consent Order; and be it further,

ORDERED that Mr. Backe may petition the Board for release from probation two years after the effective date of this Order provided that he has been fully compliant with all of the terms of probation and there are no pending complaints against him; and be it further,

ORDERED that this is a formal order of the Maryland Board of Physical Therapy Examiners and as such is a public document pursuant to the Md. Code, State Gov't, § 10-617(h).

Nov. 16, 2010
Date

Shirley Leeper, P.T.A.
Shirley Leeper, P.T.A.
Board Chair

CONSENT

1. By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By signing this Consent, I submit to the foregoing Consent Order as a resolution of this matter.
3. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
4. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
5. I sign this Consent Order freely and voluntarily, aware of my right to consult with counsel.
6. I fully understand the language, meaning, and effect of this Consent Order.

11/21/2010

Date

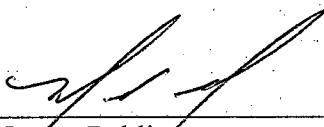


Peter Backe, P.T.

STATE OF MARYLAND
COUNTY/CITY OF BALTIMORE:

I hereby certify that on this 9th day of NOV, 2010, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared PETER BACKE, and made an oath in due form that the foregoing Consent was His voluntary act and deed.





Notary Public
My commission expires: 3/14/2012

MD Board Of Physical Therapy

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