

IN THE MATTER OF

TERESA BLEM, P.T.

LICENSE NO. 15059

Respondent

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BEFORE THE

STATE BOARD

OF PHYSICAL THERAPY

EXAMINERS

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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.) (the "Act"), the Board charged Teresa Blem, 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 § 13-317¹ 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:

- (13) Willfully makes or files a false report or record in the practice of physical therapy or limited physical therapy;
- (16) Violates any rule or regulation adopted by the Board;
- (20) Commits an act of unprofessional conduct in the practice of physical therapy[.].

¹ In addition to imposing certain sanctions under § 13-316, the Board may, under certain circumstances also impose a monetary penalty, pursuant to § 13-407.1 of the Act. § 13-407.1 states: If, after a hearing under § 13-317 of this title, the Board finds that there are grounds under § 13-316 of this title to suspend or revoke a license to practice physical therapy or limited physical therapy, to reprimand a licensee, or to refuse to license an applicant, the Board may impose a penalty not exceeding \$5,000 in addition to suspending or revoking the license or reprimanding the licensee.

The Respondent is also charged with violating the following regulation of the Board, found at Code of Maryland Regulations (COMAR) title 10.38.02.01:

- F. The physical therapist . . . shall report to the Board of Physical Therapy Examiners all information that indicates a person is allegedly performing, or aiding and abetting, the illegal or unsafe practice of physical therapy.

The Respondent was given notice of the issues underlying the Board's charges by a letter dated October 16, 2001. Accordingly, a Case Resolution Conference was held on December 3, 2001, and was attended by Natalie McIntyre, P.T., Board member, Ann Tyminski, Executive Director of the Board, and Linda Bethman, Staff Attorney, Co-Counsel to the Board. Also in attendance were the Respondent and her attorney, Patrick M. Pilachowski, and the Administrative Prosecutor, Roberta Gill.

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 herein, the Respondent was licensed by the Board to practice physical therapy in Maryland. The Respondent was initially issued a license on September 25, 1980. The Respondent last renewed her license on April 5, 2001. The Respondent's license expires on May 31, 2003.

2. At all times relevant herein, the Respondent was the Director of Rehabilitation Service for the Shore Health System, which consists, in part, of Memorial Hospital, located in Easton, Maryland, and an outpatient center, known as Shore Rehab at Stevensville, Maryland.

3. R.D.², a licensed physical therapist, was the staff supervisor as well as the primary treating therapist at the Shore Rehab site. The Respondent was R.D.'s supervisor, but did not provide routine on-site supervision; nor did the Respondent normally provide hands-on treatment at Shore Rehab.

4. On or about September 15, 2000, the Respondent received information from one of Shore Rehab's employees that R.D. had treated a patient at Shore Rehab after her discharge and while they were engaged in a sexual relationship. The employee further informed the Respondent that R.D. had reported no charges, did not require the patient to sign in, and that he had not prepared treatment notes for that patient. R.D. denied he had treated the patient in question on that day. Thereafter, the Respondent terminated R.D. after verifying from him that he had not submitted billing for that date, for the patient with whom he was engaged in a sexual relationship. Upon R.D.'s termination, based on operational procedures, R.D. was required to return and complete unfinished documentation. The Respondent failed to notify the Board of these failures to document treatment.

² The initials, "R.D." are used to identify the licensee, so as not to breach the licensee's confidentiality. The Respondent is aware of the identity of the licensee.

5. Of the 174 patient records involved, the Board obtained possession of 22 of those records.³ The Board's review disclosed that the Respondent wrote discharge notations on at least three⁴ of the charts, despite the fact that the Respondent was not involved in the patients' care and had not personally evaluated/treated them.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § (13), (16), and (20). The Board further finds that the Respondent violated Code of Maryland Regulations (COMAR) title 10.38.02.01 F.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 19th day of February, 2002, by a majority of a quorum of the Board,

ORDERED that the Respondent is hereby placed on probation for one year, or until such time that the Respondent submits to the Board the following:

1. Proof of enrollment in and satisfactory completion of a Board-pre-approved law and ethics course; *attended June 27, 2002*

3 Due to the audit system then in place at Shore, despite the fact that the audits were intended to be random, the practitioner could select files to be audited. Therefore, it was not until September 2000 that the Respondent became aware of the massiveness of R.D.'s lack of contemporaneous notetaking. On July 19, 2000, the Respondent checked off on R.D.'s performance evaluation that R.D. "maintains complete documentation of patient care."

4 The Respondent acknowledges writing the discharge note for a total of five clients.

2. A revised record keeping audit procedure implemented by Shore Health Systems. *Approved by Board 1/19/02*

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

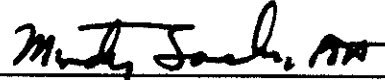
ORDERED that should the Board receive a report that the Respondent's practice is a threat to the public health, welfare or safety, the Board may take immediate action against the Respondent, including suspension or revocation, providing notice and an opportunity to be heard are provided to the Respondent in a reasonable time thereafter. Should the Board receive in good faith information that the Respondent has substantially 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 the 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 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. Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary. Should the Respondent fail to petition the Board, the conditions of Probation remain in effect;

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 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.



Mindy Sacks, P.T.A., Chairperson
State Board of Physical Therapy Examiners

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