

IN THE MATTER OF
CARLA CARPENTER, PT
LICENSE NO. 17806

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BEFORE THE MARYLAND
BOARD OF PHYSICAL
THERAPY EXAMINERS

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PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Physical Therapy Examiners (the "Board") received two complaints from former employees of a physical therapy practice, Physical Therapy Connection, alleging that the owner, Carla Carpenter, P.T. (the "Respondent"), failed to properly and timely document evaluations and reevaluations. As a result, the Board conducted an investigation into the matter which confirmed that the Respondent was deficient in her clinical documentation, and that she failed to conduct timely reevaluations of her pediatric patients.

In lieu of issuing Charges against the Respondent for violation of the Maryland Physical Therapy Act, Md. Code Ann., Health Occ. § 13-101 *et seq.*, the Board held a Pre-Charge Case Resolution Conference with the Respondent on July 30, 2009. As a result, the Board and the Respondent have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. At all times relevant, the Respondent was the owner and director of Physical Therapy Connection in Westminster, Maryland.
2. Physical Therapy Connection is an outpatient clinic that specializes in treating patients with complex conditions, including pediatric patients.
3. On or about July 20, 2007, the Board received two complaints from former employees of Physical Therapy Connection. The complainants alleged serious and chronic deficiencies

in the Respondent's clinical documentation.

4. The Respondent failed to perform reevaluations on her pediatric patients every 30 days in accordance with COMAR 10.38.03.02A(2)(g). The Respondent mistakenly believed that pediatric patients in the school system were exempt from the Board's reevaluation requirements.
5. The Respondent routinely failed to document evaluations and reevaluations. In the event that a physical therapist assistant treated a patient subsequent to the Respondent's evaluation or reevaluation, the Respondent would verbally relay summary clinical information to the physical therapist assistant.
6. Unless under emergent circumstances, verbally relaying an undocumented evaluation or reevaluation to a subsequent physical therapy provider does not meet the standard of care required for quality physical therapy services.
7. The Respondent delegated billing responsibilities to office staff. The Respondent did not document physical therapy services to substantiate the services for which she billed, resulting in a write-off for the Respondent's practice of approximately \$150,000.
8. The Respondent has implemented new billing software and documentation templates that will facilitate timely and comprehensive documentation.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent has violated Md. Code Ann., Health Occ. §§13-316(25) and COMAR 10.38.03.02A(2)(g) and 10.38.03.02-1.

ORDER

Based on an affirmative vote of a quorum of the Board, it is this 20th day of October, 2009, hereby:

ORDERED that the Respondent shall be placed on immediate PROBATION for at least TWO (2) YEARS, during which period the Respondent shall:

- (1) Successfully complete the first available Board-approved law and ethics course;
- (2) Successfully complete a Board-approved documentation and billing course within the first year of probation;
- (3) Within the first year of probation, submit to the Board three (3) patient charts for review and audit every three (3) months. For the second year of probation, the Respondent shall submit charts for review at the Board's discretion;
- (4) Comply with all Board recommendations resulting from the Board's audit of the Respondent's patient charts; and be it further,

ORDERED that after two (2) years of probation, the Respondent may petition to terminate the probation provided that the Respondent has fully complied with the terms of probation and does not have any pending complaints filed against her; and be it further,

ORDERED that the Respondent shall at all times cooperate with the Board in the monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of this Consent Order; and be it further,

ORDERED that the Respondent's failure to fully cooperate with the Board shall be deemed a violation of the probationary terms and a violation of this Consent Order and the Respondent may be subject to additional charges and, after notice and opportunity for a hearing, discipline by the Board; 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 this is a formal order of the Maryland Board of Physical Therapy Examiners and as such is a public document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617(h).

October 20, 2009
Date

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

CONSENT

1. By signing this Consent, I submit to the foregoing Consent Order as a resolution of this matter in lieu of formal charges, which process would have afforded me the right to a full evidentiary hearing. I consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order as if made after a full evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and to all other substantive and procedural protections provided by law.
2. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. I sign this Consent Order freely and voluntarily, after having had the opportunity to

consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

9/22/09.
Date

Carla Carpenter MPT
Carla Carpenter, P.T.

STATE OF MARYLAND
COUNTY/CITY OF Carroll:

I hereby certify that on this 22 day of Sept, 2009, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared CARLA CARPENTER and made an oath in due form that the foregoing Consent was her voluntary act and deed.

Green Mando
Notary Public
My commission expires: My Commission Expires August 2, 2013