

IN THE MATTER OF

MARGUERITA LEDWELL, P.T.,

Respondent

License No.: 15432

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BEFORE THE STATE

BOARD OF PHYSICAL

THERAPY EXAMINERS

Case No.: 05-BP-274

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CONSENT ORDER

The Maryland State Board of Physical Therapy Examiners ("the Board") charged Marguerita Ledwell, P.T. ("the Respondent"), License Number 15432, with violating certain provisions of the Maryland Physical Therapy Act ("the Act"), Md. Health Occ. Code Ann., ("H.O.") §§13-101 *et seq.* (2005 Repl. Vol.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act:

**H.O. §13-316. Denials, reprimands, probations, suspensions, and revocations
– Grounds.**

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:

- (4) In the case of an individual who is authorized to practice physical therapy is grossly negligent: (iii) in the supervision of a physical therapy aide;
- (12) Willfully makes or files a false report or record in the practice of physical therapy;
- (14) Submits a false statement to collect a fee;
- (15) Violates any provision of this title or rule or regulation adopted by the Board;
- (19) Commits an act of unprofessional conduct in the practice of physical therapy;
- (25) Fails to meet accepted standards in delivering physical therapy;

COMAR 10.38.03.02 (h) The physical therapist shall provide direct supervision¹ of students, aides² and preceptees;

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 test (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

¹ See COMAR 10.38.04.02

A. Supervision.

(1) The physical therapy aide shall be under the direct supervision of a licensed physical therapist when performing those physical therapy treatments that the aide is permitted to perform.

(2) Exceptions. An aide may:

- (a) Perform non-treatment-related activities, such as secretarial, clerical, and housekeeping duties without direct supervision;
- (b) Perform patient-related activities that do not involve treatment (such as transporting patients, undressing and dressing patients, removing and applying assistive and supportive devices) without direct supervision;
- (c) Assist a physical therapist assistant when more than individual is required to ensure the safety and welfare of the patient during ambulation, transfers, or functional activities without direct supervision.

B. In-Service Training. There shall be documented evidence of sufficient in-service training to assure safe performance of the duties assigned to an aide.

² See COMAR 10.38.04.01 B. Term Defined. "Physical therapy aide" or "aide" means a person who performs certain physical therapy duties under the direct supervision of a licensed physical therapist. This individual may be known, also, as a physical therapy technician, a rehabilitation technician, an athletic trainer, or be described by some other similar title.

- (j) Signature, title (P.T.), and license number;
- (2) Subsequent visits, by including the following (progress notes):
 - (a) Date;
 - (b) Cancellations, no-shows;
 - (c) Subjective response to treatment;
 - (d) Modalities, or procedures, or both, with any changes in the parameters involved and areas of the body treated;
 - (e) Objective functional status;
 - (f) Response to current treatment;
 - (g) Continuation of or changes in plan of care; and
 - (h) Signature, title (PT), and license number, and the flow chart may be initialed;
- (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 recommendation 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) *Recommendation for follow-up, and*
 - (e) Signature, title (PT), and license number.

As a result of negotiations with the Office of the Attorney General, by Alice L. Tayman, Assistant Attorney General, the Respondent, through her attorney, Michael Baxter, Esq., and the Board, the parties agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

The Board finds the following facts to be true:

1. At all times referenced herein, the Respondent was and is licensed to practice physical therapy in the State of Maryland being issued license number 15432 on June 30, 1983.

2. At all times referenced herein, the Respondent was, and is, employed at Northwest Hospital as a staff physical therapist. She has been employed there since 1991.

3. On or about March 24, 2005, the Board received a complaint alleging that the Respondent had permitted a physical therapy aide to provide physical therapy services to two (2) patients without directly supervising the physical therapy aide.

4. The Board began an investigation into the allegations in the complaint which revealed the facts as set forth below:

Patient A

5. Sometime before 2:00 p.m. on February 1, 2005, the Complainant observed the Respondent working with Patient A, an 82 year-old man. At approximately 2:20 p.m., the Complainant observed that Patient A was receiving physical therapy services from a physical therapy aide, D.H., and did not see the Respondent in the treatment area. About ten (10) minutes later, the Complainant noticed that she had not seen the Respondent for a period of time and, upon searching the rehabilitation treatment area for her, observed that the Respondent was not in the treatment area.

6. Approximately twenty (20) minutes later, at around 2:50 p.m., the Complainant noticed that the physical therapy aide had left for the day and had left Patient A seated alone in his wheelchair in the treatment area waiting for the Respondent to return.

7. The Respondent did not return to the treatment area for approximately thirty (30) more minutes, during which time the Complainant observed that Patient A sat waiting.

8. Later that day, the Complainant reported to the management of the rehabilitation department at Northwest Hospital Center that the Respondent had permitted the physical therapy aide to provide services to Patient A without supervision. The Respondent advised hospital supervisory staff that the physical therapy aide had initiated therapy without her knowledge. The Respondent repeated the exercises that the physical therapy aide had performed without supervision. The Respondent received a verbal warning regarding the need to have line of sight supervision of physical therapy aides.

9. The Respondent documented that she provided forty-eight (48) minutes of treatment to Patient A on the afternoon of February 1, 2005. She documented treatment in the areas of transfers, gait training, balance and exercise and signed the progress note with her name and license number.

10. The Respondent billed Patient A \$80.13 for one unit each of therapeutic exercise, neuromuscular education, and gait training.³

Patient B

11. Before 2:00 p.m. on March 8, 2005 the Respondent began treatment with Patient B. At approximately 2:00 p.m., the Complainant observed the Respondent leave the treatment area to attend a scheduled hospital staff meeting.

12. Shortly after the Respondent left the treatment area, the Complainant observed the physical therapy aide, D.H., providing physical therapy to Patient B (one of the Respondent's patients) without supervision. The Respondent had not returned to the treatment area.

³ Each of these treatments requires one on one treatment with the physical therapist.

13. Several minutes later, the Complainant observed D.H. place Patient B in the transport line and leave the treatment area.

14. After the March 8, 2005 incident, the Respondent received a written warning from her supervisor regarding the need for direct supervision of the physical therapy aide.

15. Although the Respondent was not present for and therefore did not supervise the physical therapy provided to Patient B after 2:00 p.m. on the afternoon of March 8, 2005, the Respondent documented thirty (30) minutes of physical therapy which included transfers, gait training, balance, exercises, notes and response to treatment. The progress note on March 8, 2005 was written by a student physical therapy assistant ("Student PTA") who was working with the Respondent. The Student PTA had attended the staff meeting with the Respondent on March 8, 2005 and therefore was also not present while D.H. was providing services to Patient B.

16. The Respondent directed the Student PTA to ascertain what services were provided by the physical therapy aide by asking Patient B. The Student PTA then wrote the March 8, 2005 progress note based on Patient B's report of what treatments the physical therapy aide had provided to her that afternoon. The Respondent cosigned the progress note and wrote her license number next to the Student PTA's signature.

17. The Respondent billed Patient A \$53.42 for gait training, and therapeutic exercises on March 8, 2005.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that by permitting the physical therapy aide to provide physical therapy without supervision to Patients A and B, the Respondent violated H.O. § 13-316 (4) which prohibits gross negligence in the supervision of a physical therapy aide, (15) which prohibits violation of any provision of the Act

or regulation adopted by the Board, (19) which prohibits unprofessional conduct in the practice of physical therapy, (25) which requires that physical therapists meet accepted standards in the delivery of physical therapy and COMAR 10.38.03.02(h) which requires that physical therapists provide direct supervision to physical therapy aides.

The Board further finds that by documenting treatment and billing for services that she did not directly provide or supervise, the Respondent violated H.O. § 13-316 (12) which prohibits making a false record in the practice of physical therapy, (14) which prohibits submitting a false statement to collect a fee, (15) which prohibits violation of any provision of the Act or regulation adopted by the Board, (19) which prohibits unprofessional conduct, and COMAR 10.38.03.02-1 which sets forth the requirements for documentation by physical therapists.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is by a majority of the quorum of the Board, hereby

ORDERED that the Respondent's license is **SUSPENDED** for six (6) months, all of which shall be **STAYED**; and it is further

ORDERED that the Respondent's license shall be placed immediately on **PROBATION** for a period of three (3) years subject to the following conditions:

1. The Respondent shall obtain and submit to the Board quarterly 'quality of work' reports from a Board-approved supervising physical therapist for the first year of probation. If the Board receives a report from the supervising physical therapist indicating that the Respondent is not in compliance with the Act and/or is not practicing competently, the Board may, after notice and an opportunity for a Show Cause hearing, impose any lawful disciplinary

sanctions it deems appropriate, including but not limited to revocation or suspension of the Respondent's license to practice physical therapy.

2. The Respondent shall take and provide documentation of satisfactory completion of a Board-approved documentation course or tutorial within the first year of probation; and

3. The Respondent shall take and provide documentation of satisfactory completion of a Board-approved law and ethics course or tutorial within the first year of probation; and it is further

ORDERED that after three (3) years of probation, the Respondent may petition the Board for termination of her probationary status without any conditions or restrictions whatsoever. If the Respondent has satisfactorily complied with all conditions of probation and there are no outstanding complaints regarding the Respondent, the Board shall terminate the probation, and it is further

ORDERED that if the Respondent violates any of the terms or conditions of this Consent Order, including probationary terms or conditions as set forth herein, then the Board, after a determination of the violation and notice, and an opportunity for a hearing, may impose any other disciplinary sanctions it deems appropriate, including suspension or revocation, said violation being proved by a preponderance of evidence; and it is further

ORDERED that the Respondent shall practice physical therapy in accordance with the Act and the regulations thereunder, and in a competent manner; and it is further

ORDERED that for purposes of public disclosure, and as permitted by Md. State Gov't. Code Ann. § 10-617(h) (2004 Repl. Vol. & 2005 Supp.), this document consists of the foregoing Findings of Fact, Conclusions of Law and Order, and the Board may also disclose to any national reporting bank or other entity to whom the Board is mandated to report; and it is further

ORDERED that the conditions of this Consent Order be effective as of the date of this Order; and it is further

ORDERED that the Respondent shall pay any costs associated with this Order; and it is further

ORDERED that this is a **FINAL ORDER** and, as such, is a public document pursuant to Md. State Gov't. Code Ann. §§ 10-611 *et seq.* (2004 Repl. Vol. & 2005 Supp).

IT IS SO ORDERED THIS 17th **DAY OF** January, 2006.

January 17, 2006
Date

Margery Rogers, P.T.
Margery Rogers, P.T.
Chair
Board of Physical Therapy Examiners

CONSENT OF MARGUERITA LEDWELL, P.T.

I, **MARGUERITA LEDWELL, P.T., License Number 15432** affixing my signature hereto, acknowledge that:

1. I am represented by counsel and I have reviewed this Consent Order with my attorney.
2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 13-317 (2005 Repl. Vol.) and Md. State Gov't. Code Ann. §§10-201 *et seq.* (2004 Repl. Vol. & 2005 Supp.) I waive any right to contest the terms and findings herein, and I waive my right to a full evidentiary hearing and any right to appeal this Consent Order as set forth in § 13-317 of the Act and Md. State Gov't. Code Ann. §§10-201 *et seq.*

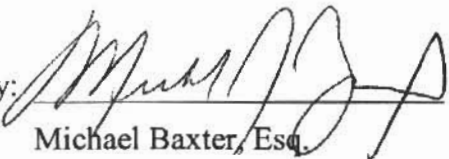
3. I acknowledge the validity of this Consent Order as if entered after a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law.

4. I voluntarily admit to the foregoing Findings of Fact, Conclusions of Law and Order and submit to the terms and conditions set-forth herein as a resolution of the Charges against me. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, and, following proper procedures, I may suffer disciplinary action, which may include revocation of my license to practice physical therapy in the State of Maryland.

5. I sign this Consent Order without reservation as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

1/6/06
Date

Marguerita St. Ledwell P.T.
Marguerita Ledwell, P.T.

Approved by: 
Michael Baxter, Esq.

NOTARY

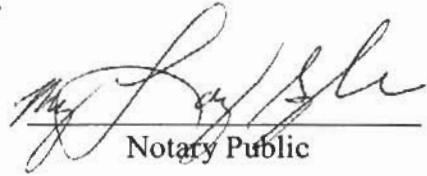
STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY THAT on this 06 day of January, 2006, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared

Marguerita Ledwell, P.T., and made oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS my hand and Notarial Seal.


Notary Public

My Commission Expires: March 1, 2008