

IN THE MATTER OF	*	BEFORE THE STATE BOARD
ALEXANDER K. ONI, P.T.	*	OF PHYSICAL THERAPY
License No.:18025	*	EXAMINERS
Respondent	*	Case Numbers: PT 20-04

* * * * *

CONSENT ORDER

On January 29, 2020, the Maryland State Board of Physical Therapy Examiners (the “Board”) charged **ALEXANDER K. ONI, P.T.** (the “Respondent”), License Number 18025, with violating the Maryland Physical Therapy Act (the “Act”), Md. Code Ann., Health Occupations (“Health Occ.”) §§ 13-101 *et seq.* (2014 Repl. Vol & 2019 Supp.).

Specifically, the Board charged the Respondent with violations of the following provisions of Health Occ. § 13-316:

§ 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 or restricted license to any applicant, reprimand any licensee or holder of a restricted license, place any licensee or holder of a restricted license on probation, or suspend or revoke a license or restricted license if the applicant, licensee or holder:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license or restricted license for the applicant, licensee or holder or for another;
....
- (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 or limited physical therapy;
....

- (24) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board[.]

The Board further charged the Respondent with the following violations of the Board's regulations:

Code of Maryland Regulations 10.38.08.05 – Continuing Education Requirements – Renewal Requirements

- A. A licensee shall earn CEUs [Continuing Education Units] between April 1 and March 31 during the 2-year period before renewal and maintain the records of the course subject, hours, date, and continuing education units to present to the Board on request.
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- D. A physical therapist shall earn 3 CEUs equal to 30 contact hours for the renewal period[.]¹

Code of Maryland Regulations 10.38.08.06 – Continuing Education Requirements – Auditing Compliance with Continuing Education Requirements

- A. The Board shall audit the continuing education records of as many licensees as time and resources allow.
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- C. At the time of the audit, the audited licensees shall submit:
- (1) Continuing education certificates earned between April 1 and March 31 during the 2-year period before renewal; and
 - (2) A completed continuing education form[.]

On June 16, 2020, a conference with regard to this matter was held before the Board's Case Resolution Conference ("CRC") Committee. As a result of the CRC, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order

¹ Code of Maryland Regulations 10.38.08.02 B defines a CEU as the basic unit of measurement for a licensee's direct participation in continuing education consisting of 10 contact hours.

FINDINGS OF FACT

1. At all times relevant to the charges herein, the Respondent was licensed to practice physical therapy in the State of Maryland under license number 18025. The Respondent was originally licensed on June 6, 1995. The Respondent's license is scheduled to expire on May 31, 2021. The Respondent also holds an active license in Washington, D.C.
2. At all relevant times, the Respondent was employed as a physical therapist at a home health care agency in Washington, D.C.
3. On or about May 19, 2019, the Respondent electronically transmitted to the Board his completed licensure renewal application. The Respondent certified that he had completed seven continuing education courses for a total of 32.75 continuing education contact hours (hereinafter, "CE contact hours").²
4. On June 13, 2019, in accordance with the Board's authority pursuant to COMAR.10.38.08.06A, the Board conducted an audit of the CEUs claimed by several licensees on their renewal applications, including the Respondent.
5. On June 13, 2019, the Board notified the Respondent that he had been randomly selected to submit to the Board copies of the continuing education certificates he had earned for the period from April 1, 2017 through March 31, 2019.

² COMAR 10.38.08.05 D requires a physical therapist to earn three continuing education units ("CEUs") equal to 30 contact hours for the two-year period before renewal. COMAR 10.38.08.05 A requires a licensee to maintain the course subject, hours, date, and CEUs to present to the Board on request.

6. In response to the Board's request for CE certificates, the Respondent submitted copies of seven (7) CEU certificates from three (3) continuing education providers.
7. The certificates the Respondent submitted for the Board's audit do not fully correspond to the courses he had listed on his renewal application. The Respondent failed to provide certificates for three (3) of the courses he had listed on his renewal application. The CEUs for the certificates that the Respondent provided for the Board's audit that correspond to those he had listed on his renewal application total 18.75 CE contact hours.
8. On August 9, 2019, the Board reviewed the continuing education certificates submitted by the Respondent. Several of the certificates submitted by the Respondent were questionable and raised concerns regarding the authenticity of the certificates.
9. Specifically, the Respondent's name was hand-written on all seven (7) certificates. The Respondent's name on some of the certificates appeared to be surrounded by faint lines, making it appear that the Respondent's name was written on stickers which were applied to the certificates and then copied.
10. As a result of the audit of the Respondent's continuing education certificates, the Board initiated an investigation.
11. In furtherance of its investigation, Board staff subpoenaed from the Respondent original continuing education certificates and interviewed the Respondent under oath. A summary of the Board's investigation is set forth below.

12. On August 13, 2019, the Board issued to the Respondent a *Subpoena Duces Tecum* that ordered the Respondent to immediately provide to the Board “a complete legible original certificate for each of the Continuing Education Units taken between April 1, 2017 and March 31, 2019.”
13. On August 13, 2019, the Board also issued to the Respondent a *Subpoena Ad Testificandum* instructing him to appear for an interview with Board staff on August 29, 2019.
14. In response to the Board’s subpoena for original continuing education certificates, the Respondent submitted copies of two (2) certificates and a copy of a Continuing Education Transcript listing five (5) courses. Review of the documents submitted by the Respondent revealed the following:
 - a) The Respondent failed to submit original certificates as directed by the Board’s subpoena;
 - b) The courses submitted by the Respondent in response to the Board’s subpoena totaled 21.5 CE contact hours, not 32.75 CE contact hours as the Respondent claimed on his renewal application, and only 18 CE contact hours corresponded to courses he had listed on his renewal application;
 - c) The certificates do not correspond completely with the courses the Respondent listed on his renewal application.
 - d) In response to the Board’s subpoena, the Respondent submitted copies of certificates for two (2) courses he had claimed on his renewal application. The Respondent had submitted certificates for the same two courses when the Board initially requested the original certificates for the audit. The two sets of certificates are not identical. The Respondent’s name on the second set of certificates is printed; his name was hand-written on the first set of certificates. In addition, the names of the individuals who verified the certificates are different on both certificates and the date of completion is different on one of the course certificates;

e) Of the five courses listed on the Continuing Education Transcript, the Respondent had listed only two (2) of the courses on his renewal application and had failed to produce certificates for those courses when the Board requested them for the audit.

15. On August 29, 2019, the Respondent was interviewed under oath by Board staff.³

The Respondent stated that he had lost his original continuing education certificates during his “home remodeling stuff.”

16. The Respondent further stated that when he received the Board’s initial request for original certificates, he used a friend’s certificates “[b]ecause we did the same thing, I made a photocopy and wrote my name on what I did...”

17. The Respondent stated that when he received the Board’s subpoena, he contacted the training providers to obtain replacement certificates, with the following results:

a) One of the providers provided two certificates; however, the names of the verifying individuals were different than those on the certificates the Respondent had submitted to the Board for the audit;

b) One of the providers declined to provide certificates and provided a Continuing Education Transcript instead; and

c) The Respondent was unable to obtain either a certificate or Continuing Education Transcript from the third provider.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that the Respondent violated Health Occ. § 13-316 (1), (15), (19), and (24).

³ At the interview, the Respondent provided the same CEU documents as he produced in response to the Board’s subpoena.

The Board further finds that the Respondent violated Md. Code Regs. 10.38.08.05 A and D, and Md. Code Regs. 10.38.08.06 A and C(1) and (2).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the Respondent shall be placed on **PROBATION** for a minimum of **ONE (1) YEAR**; and it is further

ORDERED that during the probationary period, the Respondent shall comply fully with the following terms and conditions:

- (1) The Respondent shall obtain an additional thirty (30) hours of continuing education, in addition to the thirty (30) hours required for licensure renewal, before the next renewal of his license;
- (2) The Respondent shall submit to the Board verification of all sixty (60) continuing education hours before his renewed license is issued;
- (3) Within the first six (6) months of the probationary period, the Respondent shall successfully pass the Board's closed-book jurisprudence examination with a passing score of 90 percent or higher; and it is further

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing physical therapy; and it is further

ORDERED that failure to comply fully and satisfactorily with the terms and conditions of the Consent Order shall constitute a violation of probation; and it is further

ORDERED that, if the Board determines, after notice and an opportunity for a hearing, that the Respondent has failed to comply with any term or condition of this Consent Order, the Board may impose further disciplinary action and/or a

monetary penalty. The burden is upon the Respondent to prove his compliance with the Consent Order; and it is further

ORDERED that the Respondent may petition the Board to terminate probation after a minimum of one (1) year from the effective date of the probation or after the Virginia Board of Physical Therapy has terminated his probation provided that the Respondent has fully complied with the above conditions and no complaints regarding the Respondent are pending before the Board; and it is further

ORDERED that the Respondent shall bear all costs associated with fulfilling the terms of the Consent Order; and it is further

ORDERED that, unless stated otherwise in the Consent Order, any time period prescribed in this order begins when the Consent Order goes into effect. and it is further

ORDERED that for purposes of public disclosure, as permitted by Md. Code Ann., General Provisions Article § 4-333(b), this document consists of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may disclose same to any national reporting data bank to which it is mandated to report.

9/9/2020
Date

Karen Cordes
Karen Cordes, Ph.D, P.T., D.Sc.
Chair
Maryland State Board of Physical
Therapy Examiners

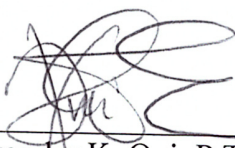
CONSENT

I, Alexander K. Oni, P.T., acknowledge that I have had the opportunity to be represented by counsel before entering this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of 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 the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that I might have filed after any such hearing. I acknowledge that this is a formal order of the Board and as such is a public document.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

8/29/2020
Date

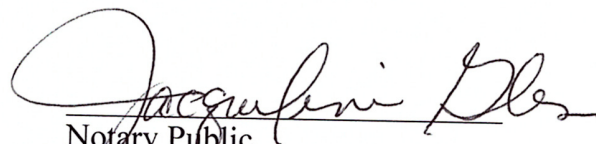


Alexander K. Oni, P.T.
Respondent

STATE OF MARYLAND
CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 29 day of August 2020, before me, a Notary Public of the foregoing State and City/County personally appeared Alexander K. Oni, P.T., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.


Notary Public

My commission expires: June 29, 2022

