

**IN THE MATTER OF
DOUGLAS PALMER, P.T.**

License No. 16898

Respondent

* * * * *

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

FINAL ORDER

Procedural History

This case arose from information received by the Board of Physical Therapy Examiners (the "Board") indicating that Douglas Palmer, P.T. (the "Respondent"), License Number 16898, committed various acts of unprofessional and unethical conduct. Based upon this information and pursuant to its authority under the Maryland Physical Therapy Act, *Md. Code Ann.*, Health Occ. ("H.O.") §13-101 *et seq.* (the "Practice Act"), the Board issued formal charges against the Respondent for violating the Practice Act.

A hearing on the merits was held on November 2, 2006, before a Hearing Committee of the Board (the "Committee"), pursuant to Health Occ. § 13-317(d). On February 2, 2007, the Committee issued a Proposed Decision (attached hereto as "Exhibit A") wherein it concluded that the charges against the Respondent were proven by a preponderance of the evidence. The Committee recommended that the Respondent's license to practice physical therapy be sanctioned, with such sanction being deferred until the Board reinstates the Respondent's license to practice in Maryland. The Proposed Decision included notification to the parties of the right to file exceptions to the

Committee's Proposed Decision. Neither party filed exceptions to the Proposed Decision rendered in this matter.

On March 20, 2007, the full Board reviewed and considered the Committee's Proposed Decision and the record in accordance with COMAR 10.38.05.05F. On that same date, March 20, 2007, the Board convened for a final decision in the case.

FINDINGS OF FACT

The Board adopts and incorporates by reference the proposed Findings of Fact made by the Committee in the Proposed Decision issued on February 2, 2007, as the Board's final Findings of Fact.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, and after consideration of the hearing record, the Board adopts the Committee's Conclusions of Law and finds that the Respondent violated *Md. Code Ann.*, Health Occ. § 13-316(15) and (19), and Code Md. Regs. tit. 10, § 38.02.01B and C.

SANCTIONS

The Board adopts the sanction as recommended by the Committee in its Proposed Decision, dated February 2, 2007. The Respondent has committed numerous unprofessional and unethical acts that cause the Board great concern regarding his ability to practice physical therapy in accordance with the Maryland Physical Therapy Act. The Respondent's habit of bringing home confidential medical files and having his "friend" complete the required documentation completely disregarded the privacy considerations of his patients. However, even with the assistance of his friend, the Respondent's documentation still failed to comport with legal requirements. In addition, the

Respondent would often fail to timely return the patients' files to the office thereby causing the physical therapist assistant to treat the patient without the benefit of reviewing the reevaluation, or foregoing the treatment altogether. The Respondent also greatly inconvenienced patients when he abruptly left the clinic after engaging in an argument with a staff person, leaving patients without a treating physical therapist for their scheduled appointments. Lastly, by enlisting patients to track the physical therapist assistants' treatments, the Respondent was improperly placing patients in an investigatory role and possibly impeding the treatment being rendered by the physical therapist assistant. The Respondent's actions display a complete disregard for the rights and dignity of his patients. Furthermore, the Respondent, through his willful misconduct, disparaged the physical therapy profession and possibly undermined the effectiveness of the limited physical therapy treatment rendered to his patients. The Board feels that this sanction is necessary to address the violations committed by the Respondent as well as to provide a deterrent to other physical therapists who may be tempted to abdicate their professional responsibilities in rendering physical therapy care.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 29th day of March, 2007, by a unanimous vote of the Board, under the authority of Health Occupations Art. §13-316, it is hereby,

ORDERED that the Respondent's license to practice physical therapy shall be **SUSPENDED** for one (1) year with all but **SIXTY (60)** days stayed, such suspension period to be deferred until such time that the Board grants the Respondent reinstatement of the Respondent's license to practice in Maryland; and be it further,

ORDERED that, after completion of the sixty (60) days active suspension period, the Respondent's license shall be placed on immediate **PROBATION** for a period of at least **TWO (2) YEARS**, during which time the Respondent shall:

1. Successfully complete the Maryland Law and Ethics course within the first year of probation;
2. Successfully complete a Board-approved documentation course within the first year of probation; and
3. Submit to the Board six (6) patient records for review on a quarterly basis for the first year of probation, and then on a frequency as determined by the Board thereafter; and be it further,

ORDERED that the Respondent shall pay a fine of \$2,000.00; and be it further,

ORDERED that this is a Final Order of the Maryland Board of Physical Therapy Examiners and as such is a PUBLIC DOCUMENT pursuant to *Md. Code Ann.*, State Gov't §§ 10-611 *et seq.*

March 29, 2007
Date

Margery T. Rodgers, P.T.
Margery Rodgers, P.T. *et*
Board Chairperson

NOTICE OF RIGHT TO APPEAL

Pursuant to *Md. Code Ann.*, Health Occ. § 13-318, you have a right to take a direct judicial appeal. A petition for appeal shall be filed within thirty (30) days of your receipt of this Final Order and shall be made as a petition for judicial review of a final decision in accordance with the Maryland Administrative Procedure Act, *Md. Code Ann.*, State Gov't §§ 10-201 *et seq.*, and Title 7, Chapter 200 of the Maryland Rules.