

IN THE MATTER OF
AMY ROSEMAN, P.T.,
Respondent

License No.: 17265

* BEFORE THE STATE
* BOARD OF PHYSICAL
* THERAPY EXAMINERS
* Case No.: 05-BP-275

* * * * *

CONSENT ORDER

The Maryland State Board of Physical Therapy Examiners (“the Board”) charged Amy Roseman, P.T. (“the Respondent”), License Number 17265, with violating certain provisions of the Maryland Physical Therapy Act (“the Act”), Md. Health Occ. Code Ann., (“H.O.”) §§ 13-101 *et seq.* (2005).

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:

- (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;

Code Md. Regs (“COMAR”) tit. 10, §.38.03.01(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.

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 bases its charges on the following facts which the Board has reason to believe are 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 17265 on September 15, 1992.

2. At all times referenced herein, the Respondent was, and is, employed at Northwest Hospital as Director of Rehabilitation and Cardiopulmonary Services.

3. On or about March 24, 2005, the Board received a complaint alleging that a physical therapist ("Physical Therapist A") working in the rehabilitation department at Northwest Hospital had permitted a physical therapy aide to provide physical therapy services without direct supervision by a licensed physical therapist. The Complaint indicated that the unsupervised practice had been reported to the Respondent.

4. The Board began an investigation into the allegations in the complaint which revealed the factual allegations set-forth below.

5. The Complainant reported two (2) incidents of misconduct by Physical Therapist A to the Respondent in the Respondent's capacity as the Director of Rehabilitation.

6. The first report was made on or about February 2, 2005. The Complainant reported to the Respondent that Physical Therapist A had permitted a physical therapy aide to render physical therapy without supervision by a licensed physical therapist.

7. The Respondent directed the Complainant to follow the chain of command by reporting the incident to the intermediate supervisor of the Rehabilitation Department, a licensed occupational therapist.

8. As a result of the Complainant's report to the intermediate supervisor, Physical Therapist A received a verbal warning regarding the need for direct supervision of physical therapy aides.

9. Several weeks later, on or around March 8, 2005, the Complainant again reported that she had observed Physical Therapist A permitting the same physical therapy aide to provide physical therapy to a patient without supervision.

10. Physical Therapist A received a written disciplinary sanction in her personnel file because she had once again permitted the physical therapy aide to provide physical therapy services without direct supervision.

11. After the second incident of unsupervised practice by the physical therapy aide, the Respondent indicated to the Complainant that she, the Respondent, would report to the Board Physical Therapist A's apparent violation of the requirement that aides be directly supervised.

12. The Respondent contacted the Board's staff to inquire about the reporting requirements. The Respondent contends that she did not receive a response. The Respondent did not file a complaint with the Board regarding Physical Therapist A's alleged violation(s) of the Act.

13. Several days later, the Complainant reported the incidents of unsupervised practice by the physical therapy aide to the Board.

CONCLUSIONS OF LAW

By failing to report the incidents of unsupervised practice to the Board, the Respondent violated H.O. § 13-316 (15) which prohibits violation of the Act and regulations adopted by the Board, (19) which prohibits unprofessional conduct, and COMAR 10.38.03.01(F) which requires that licensed physical therapists inform the Board when they possess information which indicates that a person is allegedly performing, or aiding and abetting, the illegal and unsafe practice of physical therapy.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 17th day of

January 2006, by a majority of a quorum of the Board considering this case, hereby

ORDERED that the Respondent be **REPRIMANDED**; and it is further

ORDERED that the Respondent shall enroll in and complete a Board-approved law course within one (1) year of this Order, and it is 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. State Gov't. Code Ann. §§ 10-611 *et seq.* (2004 & 2005 Supp.).

Feb 1, 2006
Date

Jill Kuramoto, P.T.
Margery Rodgers, P.T., Chair — Jill Kuramoto, P.T.,
Board of Physical Therapy Examiners Vice Chair

CONSENT OF AMY ROSEMAN, P.T.

I, **AMY ROSEMAN, P.T., License Number 17265** 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.

1/25/2006
Date

Amy Roseman, P.T.
Amy Roseman, P.T.

Approved by: Michael Baxter
Michael Baxter, Esq.

NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY THAT on this 25th day of January, 2006, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared Amy Roseman, 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.

Jane J. Gaudi
Notary Public

My Commission Expires: 7/3/07

JANE J. GAUDI
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 3, 2007