

IN THE MATTER OF
JONAS S. TAPANGAN, P.T.
License No. 18854

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

* * * * *

FINAL ORDER

Procedural History

This case arose from allegations that Jonas Tapangan, P.T. (the "Respondent"), License Number 18854, failed to conduct or document any joint on-site visits with a physical therapist assistant who provided treatment to a patient ("Patient A"). Based on 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 of Physical Therapy Examiners (the "Board") charged the Respondent with violating H.O. §13-316(16) (Violates any provision of this title or regulation adopted by the Board) and Code Md. Regs tit. 10, §38.03, which provides in pertinent part:

.02 Standards

- L. At least one in every ten visit or every 60 calendar days, whichever comes first, there shall be a joint on-site visit with treatment rendered by the physical therapist under the direct supervision of the physical therapist. At this visit the physical therapist is to assess the treatment performed by the physical therapist assistant, reevaluate the patient's program, and document the treatment.

.02-1 Requirements for Documentation

- A. As established by the American Physical Therapy Association of Maryland, and as approved by the Board, the physical therapist shall document the patient's chart as follows:

(1) For Initial Visit:

- (a) Date,**
- (b) Condition/diagnosis 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) Plan of care, and**
- (i) Signature, title (PT), and license number;**

(2) For subsequent visits:

- (a) Date,**
- (b) Modalities, procedures, etc.,**
- (c) Cancellations, no-shows,**
- (d) Response to treatment,**
- (e) Signature and title (PT), with identifying signatures appearing on the patient chart, although the flow chart may be initialed,**
- (f) Weekly progress or lack of it,**
- (g) Unusual incident/unusual response,**
- (h) Change in plan of care,**
- (i) Temporary discontinuation or interruption of services and reason,**
- (j) Reevaluation, and**
- (k) If there is a physical therapist assistant reevaluate and document as required by Regulation .02L of this chapter.**

(3) For discharge of last visit:

- (a) Date,**
- (b) Reason for discharge,**
- (c) Status at discharge,**
- (d) Recommendation for follow-up, and**
- (e) Signature and title.**

A Case Resolution Conference was held on May 24, 2001. No settlement of the case was reached at that time. A hearing on the merits was held on August 7, 2001, before a Hearing Committee of the Board (the "Committee"), pursuant to Health Occ.

§13-317(d).¹ On October 22, 2001, the Committee issued a Proposed Decision ("Proposed Decision") wherein it concluded that there was sufficient evidence to prove that the Respondent violated H.O. §13-316(16) and Code Md. Regs. tit. 10 §§38.03.02L and 38.03.02-1A. Thus, the Committee recommended that the charges against the Respondent be upheld.

By letter dated October 26, 2001, the Board's Executive Director forwarded the Committee's Proposed Decision to the parties in this case. The Proposed Decision included a Notice of Right to Appeal, informing the parties of the right to file exceptions to the Committee's Proposed Decision. Neither the State nor the Respondent filed exceptions to the Proposed Decision. On December 11, 2001, the Board convened for a final decision on this matter.

SUMMARY OF THE EVIDENCE

The Board adopts and incorporates by reference the proposed Summary of Exhibits made by the Committee in the Proposed Decision dated October 22, 2001, as the Board's final Summary of the Evidence. The entire Proposed Decision is attached hereto as Appendix A.

FINDINGS OF FACT

The Board adopts and incorporates by reference the proposed Findings of Fact made by the Committee in the Proposed Decision dated October 22, 2001, as the Board's final Findings of Fact.

OPINION

The Board adopts and incorporates by reference the proposed Opinion issued by the Committee in the Proposed Decision dated October 22, 2001, as the Board's final Opinion.

¹ At the hearing, the Respondent, represented by counsel, stipulated to the allegations of fact contained in the Board's charging document, dated April 17, 2001.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact and Opinion, and after consideration of the record of the proceeding in this case, the Board affirms the Committee's Conclusions of Law and finds that the Respondent violated Md. Code Ann., Health Occ. §13-316(16) and Code Md. Regs tit. 10 §§38.03.02L and 38.03.02-1A.

SANCTIONS

The Board adopts the Committee's proposed sanction of a reprimand, one-year probation with the condition that the Respondent enroll in and satisfactorily complete the Maryland physical therapy law course and examination no later than June 30, 2002. The Board finds this sanction appropriate considering the Respondent's blatant violation of the Maryland Physical Therapy Act's requirements for supervision and documentation.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this day of January 15, 2002, by a majority of the full authorized membership of the Board considering this case, that under the authority of Health Occupations Article, §13-316, it is

ORDERED that the charges against the Respondent, JONAS TAPANGAN, P.T., are hereby UPHeld; and it is hereby further,

ORDERED that the Respondent receive a REPRIMAND; and it is hereby further,

ORDERED that the Respondent be placed on PROBATION for a period of one (1) year, subject to the following condition:

1. The Respondent shall take and pass the Maryland physical therapy law course and examination no later than June 30, 2002; and it is further,

ORDERED that only after the Respondent has satisfactorily completed his one (1) year probation may the Respondent petition the Board for termination of the probation status and reinstatement of his license without any conditions or restrictions, provided that he has fulfilled all the terms and conditions of probation. However, if the Respondent fails to make any such petition, then the probationary status shall continue indefinitely.

January 15, 2002
Date



W. James Downs, P.T.
Board Vice Chair

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 days of your receipt of this Final Order and shall be made for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't §§10-201 et seq., and Title 7, Chapter 200 of the Maryland Rules.