

IN THE MATTER OF * BEFORE THE
TESSA M. WALKER, P.T.A. * MARYLAND STATE
License No. A2879 * BOARD OF PHYSICAL THERAPY
Respondent * EXAMINERS

* * * * *

PRE-CHARGE CONSENT ORDER

Based on information received and subsequent investigation by the State Board of Physical Therapy Examiners (the "Board"), the Board voted to charge **TESSA M. WALKER, P.T.A.** (the "Respondent"), License No. A2879, with violating certain provisions of the Maryland Physical Therapy Act ("the Act"), codified at Md. Health Occ. ("H.O.") Code Ann. §§ 13-101 *et seq.* (2005 Repl. Vol.).

Specifically, the Board voted to charge the Respondent with violating § 13-316(15) (violates any provision of this title or rule or regulation adopted by the Board) and Code Md. Regs. tit. 10, § 38.02.01 G (The . . . physical therapist assistant shall comply with the probationary conditions of the Board Order).

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed to practice as a physical therapy assistant in Maryland.¹
2. On or about February 20, 2007, the Board entered into a Consent Order with the Respondent to resolve pending Board charges issued pursuant to the Act. *See* Consent Order, February 20, 2007, attached hereto and incorporated herein as **Exhibit A**.
3. Pursuant to the terms of the Consent Order, the Respondent was placed on probation for a period of two (2) years. The two year probationary period commenced on February 20, 2007, and for

¹ Pursuant to the terms of her Consent Order with the Board the Respondent's license was suspended for thirty (30) days, commencing on April 1, 2007.

the duration of the probationary period the Respondent was required to "submit, when requested, to random, monitored urinalysis/toxicology screens, by the Board, or its designated agent for that purpose, for the detection of prohibited substances." The Respondent agreed to be responsible for all costs associated with such testing.

4. On or about March 1, 2007, the Board's Investigator contacted the National Confederation of Professional Services, Inc. ("NCPS") and entered into an agreement with the company to conduct the drug and alcohol testing for the Respondent as part of her Consent Order.

5. In early March 2007, the Board's Investigator spoke to the Respondent at her place of employment and advised her that he would be re-contacting her with information about the testing program.

6. On or about [REDACTED] after establishing the testing program with NCPS, the Board's Investigator placed a telephone call to the Respondent's cellular phone and left a message for her to return his call at the Board's office. She did not return the Board Investigator's call.

7. Additionally, on or about March 5, 2007, the Board's Investigator placed a telephone call to the Respondent's place of employment. The person answering the phone advised the Board's Investigator that the Respondent was working, but was busy with a patient. The Board's Investigator left a message for her to return his call. She did not return the Board Investigator's call.

8. On March 6, 2007, the Board's Investigator sent two letters to the Respondent's address of record² with the Board—168 Morris Mill Road, Salisbury, Maryland 21804. One letter was sent certified mail, return receipt requested, and the second was sent by regular first class mail. The certified

² § 13-308(c) of the Act requires that "[e]ach licensee shall give the Board immediate written notice of any change of address."

mailing was returned signed by an Iva Mae Graveno. The letter sent by regular mail was not returned to the Board. The letter sent to the Respondent notified her that NCPS would be mailing her a registration package in the next several days containing the necessary information needed to participate in the monitored urinalysis/toxicology screens. The Respondent was also informed that the package would contain authorization forms that must be signed and returned in order to release test results to the Board. The Respondent was given the Board's contact information if a follow-up was deemed necessary. The Board did not receive any calls from the Respondent.

9. On March 19, 2007, the Board's Investigator spoke to a representative at NCPS and was advised that a registration package was mailed to the Respondent on March 7, 2007, at 168 Morris Mill Road, Salisbury, Maryland 21804. The registration package was due back to NCPS by March 21, 2007.

10. On March 22, 2007, the Board's Investigator spoke to a representative with NCPS and was informed the signed registration package was not returned to NCPS by the Respondent, nor were the release forms signed and returned as requested.

11. The Respondent contacted the Board at the end of her period of suspension in late April 2007, in reference to ensuring she was off suspension and approved by the Board to return to work. Upon being informed of the Board's attempts to contact her about the drug screens and the lack of response, the Respondent explained she had received no phone calls, no messages, and no e-mails regarding the matter and was instructed to "sit tight" for contact by mail.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated Md. Health Occ. Code Ann. § 13-316(15) (violates a regulation adopted by the

Board) and Code Md. Regs. tit. 10, § 38.02.01 G (The . . . physical therapist assistant shall comply with the probationary conditions of the Board Order).


ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 17th, day of July 2007, by a majority of the Board considering this case:

ORDERED that all terms and conditions of the Consent Order dated February 20, 2007, hereby remain in effect with the exception of the duration of the Respondent's probationary period which is hereby extended to run for a **PERIOD OF TWO (2) YEARS**, to commence from the date that this Consent Order is executed, and it is further

ORDERED that, if not already accomplished prior to the date of this Order, the Respondent will immediately contact the Board to enroll in and complete all required documentation for entry into a Board ordered drug testing program in accordance with the Board's Consent Order dated February 20, 2007, and it is further

ORDERED that this Pre-Charge Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. §§ 10-611 et seq. (2004 Repl. Vol.).


Margery Rodgers, P.T., Chair
State Board of Physical Therapy Examiners

CONSENT OF TESSA M. WALKER, P.T.A.

I, Tessa M. Walker, P.T.A., acknowledge that I have had the opportunity to consult with counsel before entering into this Pre-Charge Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I hereby agree and accept to be bound by the foregoing Pre-Charge

Consent Order and all of its terms and conditions.

I acknowledge the validity of this Pre-Charge 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 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 Pre-Charge Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that I might have been entitled to appeal after any such hearing.

I sign this Pre-Charge 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 Pre-Charge Consent Order.

6-28-07
Date

Tessa M. Walker LTA A2879
Tessa M. Walker, P.T.A.

STATE OF MARYLAND
CITY/COUNTY OF Salisbury
Wicomico :

I HEREBY CERTIFY that on this 28 day of June, 2007, before me, Janice Baldwin Notary Public of the foregoing State and (City/County),
(Print Name)
personally appeared Tessa M. Walker, P.T.A., License Number A2879, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Janice M. Baldwin

My Commission Expires: 4-19-08

Notary Public