

originally licensed on September 28, 2010. His license is scheduled to expire on May 31, 2021.

2. At all times relevant hereto, the Respondent was employed as a PT at a physical therapy practice in Lanham, Maryland (the "Practice").²

I. Prior Disciplinary History

3. On March 18, 2015, the Board charged the Respondent with violating several provisions of the Maryland Physical Therapy Act (the "Act"), Md Code Ann., Health Occ, § 13-316.
4. Effective May 28, 2015, the Respondent entered into a Consent Order with the Board. In the Consent Order the Board concluded as a matter of law that the Respondent violated the following provisions of the Act:

....

- (11) Practices physical therapy or limited physical therapy with an unauthorized person or supervises or aids an unauthorized person in the practice of physical therapy or limited physical therapy;
- (12) Willfully makes or files a false report or record in the practice of physical therapy or limited physical therapy;
- ...
- (15) Violates any provision of this title or rule or regulation adopted by the Board[.]

² The identities of the Practice and individuals discussed herein are confidential. The Respondent may request the names from the Administrative Prosecutor.

The applicable regulation, Md. Code Regs. 10.38.03.02 – Standards of Practice, requires a PT to reevaluate the patient as the patient’s condition requires, but at least every 30 days.

5. In the 2015 Consent Order, the Board found as fact that the Respondent “may have unintentionally exposed his lower abdomen and back in an effort to educate [a patient] about her diagnosis and the benefits of lumbar support.”
6. Under the terms and conditions of the 2015 Consent Order, the Respondent was placed on probation for a minimum of one (1) year, was required to successfully complete the Board’s closed-book jurisprudence examination with a passing score of at least 90 percent, be subject to Board review of at least three (3) patient records for compliance with standards of practice, successfully complete a Board-approved continuing education course in mitigating professional risk and a Board-approved continuing education course in cultural competency, and pay a fine to the Board of \$5,000.00.
7. By Order dated July 19, 2016, the Board terminated the Respondent’s probation as he had successfully complied with the terms and conditions imposed by the Board in the 2015 Consent Order.

II. Current Investigative Findings

8. On or about October 31, 2019, the Board received a complaint from the owner of the Practice (“PT 1”) regarding information he received about the Respondent’s inappropriate treatment of a female former patient (“Patient 1”) of the Practice.

9. At the time of PT 1's complaint, the Respondent had been terminated from the Practice.
10. The Board thereafter initiated an investigation.
11. PT 1 was notified by Patient 1's orthopedic physician ("Physician 1") that Patient 1 had not sought continued treatment at the Practice because the Respondent had touched her pubic area in an inappropriate manner.
12. In furtherance of its investigation, Board staff contacted Patient 1. Patient 1 stated that she had surgery a couple years prior to repair a meniscus tear of her right knee. Physician 1 had referred Patient 1 to the Practice after Patient 1 complained of increased right knee pain during the Summer of 2018.
13. On or about November 5, 2018, Patient 1 initially presented to the Respondent. She wore spandex tights to the appointment after having been instructed by Practice staff not to wear loose-fitting clothes.
14. The Respondent initially met with Patient 1 in a common area of the office.
15. The Respondent spent several minutes discussing his belief in "whole body healing" and how every body part is connected in some way. While discussing "whole body healing" the Respondent checked the range of motion in her right knee. The Respondent told Patient 1 that her range of motion was "pretty good."
16. The Respondent then directed Patient 1 to go to a private examining room with him.
17. Once in the examining room, the Respondent instructed Patient 1 to lie on her back. The Respondent resumed his discussion about "whole body healing" and once again checked the range of motion in her knee.

18. The Respondent, who was standing at the side of the examining table, then pressed with his fingers on Patient 1's pelvic area.
19. The Respondent pressed down on Patient 1's pubic bone with three of his fingers.
20. The Respondent directed Patient 1 to lift her right leg. He supported her right leg with his left hand. The Respondent then placed his right hand under Patient 1 and began to press on her coccyx (tail bone).
21. Patient 1 told the Respondent that she did not think what he was doing to her was a good idea. The Respondent immediately let go of Patient 1's leg and told her that the consultation was over. The Respondent instructed Patient 1 to make another appointment at the front desk.
22. Patient 1 was very uncomfortable about the Respondent's treatment of her. She decided not to return for physical therapy treatment at the Practice right away.
23. In early 2019, Patient 1 contacted the Practice to schedule an appointment because her right knee was painful. Patient 1 told Practice staff that she did not want to be treated by the Respondent because she had felt very uncomfortable when he had previously treated her. The Practice staff member to whom Patient 1 spoke told her that the Respondent was no longer at the Practice. Patient 1 made an appointment at the Practice but did not keep it.
24. On or about October 28, 2019, Patient 1 presented to Physician 1 with complaints of shoulder pain and bilateral knee pain. Patient 1 told Physician 1 that she had not returned to the Practice for physical therapy because of how the Respondent had treated her at the November 5, 2018 appointment.

CONCLUSION OF LAW

Based on the foregoing Investigative Findings, the Board concludes that the public health, safety, or welfare imperatively requires emergency action in this case, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2).

ORDER

Based on the foregoing Investigative Findings and Conclusion of Law, it is this 15th day of November 2019, by a majority of the Board, hereby

ORDERED that pursuant to the authority vested in the Board by Md. Code Ann., State Gov't § 10-226(c)(2), the Respondent's license to practice as a physical therapist is **SUMMARILY SUSPENDED**; and it is further

ORDERED that on presentation of this order, the Respondent **SHALL SURRENDER** to the Board's investigator his original Maryland license number 23441; and it is further

ORDERED that this **ORDER FOR SUMMARY SUSPENSION** is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.*

November 15, 2019
Date

Sumesh Thomas OTO
Sumesh Thomas, P.T.
Chair
Maryland Board of Physical Therapy
Examiners