

IN THE MATTER OF \* BEFORE THE MARYLAND  
SHELLEY D. BROWN, P.T.A. \* STATE BOARD OF  
LICENSE No.: A3141 \* PHYSICAL THERAPY EXAMINERS  
Respondent \* CASE NUMBER: PT 12-20

\* \* \* \* \*

**PRE-CHARGE CONSENT ORDER**

On April 26, 2012, the State Board of Physical Therapy Examiners (the "Board") summarily suspended the physical therapy assistant license of **SHELLEY D. BROWN, P.T.A. (the "Respondent") (D.O.B. 05/29/1964) License No.: A3141** after concluding that the public health, safety or welfare imperatively required emergency action.

In lieu of issuing Charges against the Respondent for violation of the Maryland Physical Therapy Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 13-101 *et seq.*, the Board and the Respondent have agreed to resolve this matter as set forth in this Pre-Charge Consent Order.

**FINDINGS OF FACT**

1. The Respondent is licensed to practice as a physical therapy assistant in the State of Maryland under License Number A3141. The Respondent's license is currently suspended and scheduled to expire on May 31, 2013.
2. At all times relevant, the Respondent was employed by Company A as a traveling physical therapy assistant for a contract with Facility A in Boonsboro, Maryland.<sup>1</sup>

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<sup>1</sup> In order to maintain confidentiality, individual and facility names will not be used in this document, but will be provided to the Respondent upon request to the administrator prosecutor.

3. On or about April 24, 2012, the Board received a complaint from Company A's President (the "complainant") advising that the Respondent tested positive for an illicit substance.

4. Thereafter, the Board initiated an investigation.

5. The Board's investigation revealed that as part of the pre-employment process, the Respondent was required to submit to a drug test.

6. The Respondent failed to submit to the drug test in a timely manner prior to the start of her employment. As a result, a Rapid Results Test was done on March 29, 2012, which showed a negative result.

7. In accordance with the testing site's policy, on April 4, 2012 the specimen was sent to the lab for a more thorough screening, which was positive for an illicit substance.

8. The complainant stated that she believed that the first test may have been contaminated because of the conflicting results. Therefore, she requested that the Respondent submit to another drug test.

9. The Respondent submitted a new urine sample on April 11, 2012. The resulting test on April 12, 2012 was positive for an illicit substance.

10. On April 12, 2012, the Respondent's contract with Company A was terminated.

11. After the Respondent was terminated, her supervisor at Facility A noticed that approximately 15 patient notes were missing for the treatment that the Respondent had provided to patients at Facility A.

12. The complainant attempted to contact the Respondent so she could complete the notes. The Respondent failed to respond and has not completed the notes for the services she provided to patients at Facility A.

13. Furthermore, the services that the Respondent provided had already been billed for and paid.

14. On December 20, 2012 and January 18, 2013, the Respondent submitted to a psychological evaluation by Ralph D. Raphael, Ph.D. at the direction of the Board. The Respondent provided a urine sample on December 20, 2012, which was tested for the presence of alcohol and mood altering substances. The Respondent's urine sample was positive for cocaine. The Respondent also admitted that she was "hung over" during the first interview on December 20, 2012 and to having an issue with alcohol dependence. Dr. Raphael made several recommendations to ensure the Respondent's ability to safely practice, which have been substantially incorporated herein.

#### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated H.O. § 13-316 (17) (Is professionally, physically, or mentally incompetent) and H.O. § 13-316 (19) (Commits an act of unprofessional conduct in the practice of physical therapy or limited physical therapy).

#### **ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 3<sup>rd</sup> day of July 2013, by a majority of the Board considering this case:

**ORDERED** that that the Respondent's license to practice as a physical therapy assistant in the State of Maryland be and is hereby **SUSPENDED** for a period of at least **ONE (1) YEAR**; and it is further

**ORDERED** that the Respondent must satisfactorily complete an intensive outpatient treatment program ("the program") as described in Dr. Raphael's psychological evaluation of the Respondent, a copy of which has been provided to the Respondent; and it is further

**ORDERED** that the Respondent shall fully, timely, and satisfactorily cooperate and comply with all recommendations and requirements of the program, including but not limited to, complete abstinence, random monitored toxicology screens as required by the program, self-help fellowship meetings and other substance abuse treatment if recommended by the program; and it is further

**ORDERED** that the Respondent shall sign any written release/consent forms, and update them, as required by the Board, the outpatient treatment program or any healthcare provider, to authorize the verbal and written exchange of treatment information regarding the Respondent, including information relating to confidential drug and alcohol abuse treatment; and it is further

**ORDERED** that immediately upon the successful completion of the intensive outpatient treatment program, the Respondent shall enroll in and comply with a substance abuse aftercare program; and it is further

**ORDERED** that the Respondent shall at all times cooperate with the Board in the monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of this Order; and be it further,

**ORDERED** that a violation of any of the requirements in the preceding paragraphs and/or a conviction, plea or finding of guilty or *nolo contendere* to any criminal offense, other than a minor traffic violation, during the suspension period shall constitute a violation of the suspension and a violation of this Consent Order and the Board, in its discretion, after notice and opportunity for a hearing, may impose additional sanctions authorized under the Act, including additional suspension, additional probation and/or permanent revocation of his license; and it is further

**ORDERED** that the Respondent may petition the Board to lift the suspension of her license after one (1) year, provided that she has complied with all of the terms of the suspension and has no pending complaints against her; and it is further

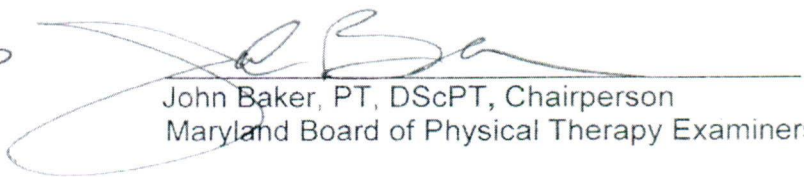
**ORDERED** that upon the lifting of the suspension of the Respondent's license, the Respondent's license shall be placed on **PROBATION** with terms and conditions to be determined at the time of reinstatement; and it is further

**ORDERED** that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

**ORDERED** that this Consent Order shall supersede all prior Board orders.

**ORDERED** that this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. §§ 10-611 et seq. (2009 Repl. Vol. & 2011 Supp.).

07/03/2013  
Date

  
John Baker, PT, DScPT, Chairperson  
Maryland Board of Physical Therapy Examiners

CONSENT OF SHELLEY D. BROWN, P.T.A.

I, Shelley D. Brown, P.T.A., acknowledge that I chose not to consult with counsel before signing this document. By this Consent, I admit to the Findings of Fact and Conclusions of Law as set forth above, and agree and accept to be bound by the foregoing Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce the Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

May 14, 2013  
Date

Shelley D. Brown P.T.A.  
Shelley D. Brown, P.T.A.

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Baltimore:

I HEREBY CERTIFY that on this 14 day of May, 2013, before me, a Notary Public of the foregoing State personally appeared Shelley D. Brown, P.T.A. License Number A3141, 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.

Marie K. Coulter  
Notary Public

My Commission Expires: 08-12-2014

