

IN THE MATTER OF
JESSICA BURNS, PTA

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BEFORE THE MARYLAND
BOARD OF PHYSICAL
THERAPY EXAMINERS

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PRE-CHARGE CONSENT ORDER

Background

On June 3, 2008, the Maryland Board of Physical Therapy Examiners (the "Board") received an application for licensure from Jessica Burns, P.T.A. On the application, Ms. Burns indicated that she had been convicted of a drug felony in 1999, and that as a result, the State of Louisiana granted her a probationary license. As a result, the Board conducted an investigation into the matter which confirmed Ms. Burns' disclosures.

In lieu of instituting formal proceedings against Ms. Burns' application, in accordance with the Maryland Physical Therapy Act, Md. Code Ann., Health Occ. § 13-101 *et seq.*, the Board held a Pre-Charge Case Resolution Conference with Ms. Burns on August 19, 2008. As a result, the Board and Ms. Burns have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. On June 3, 2008, the Board received an application for licensure from Ms. Burns.
2. In the application, Ms. Burns disclosed that she was convicted of a felony drug conviction by both the State of Virginia as well as the federal government for distribution of drugs in 1999.
3. Ms. Burns also disclosed in her application that Louisiana granted her a probationary physical therapist assistant license as a result of the above convictions.

4. Ms. Burns was convicted of conspiracy to possess and distribute controlled dangerous substances in the United States District Court in Alexandria, Virginia on April 28, 2000. Ms. Burns was sentenced to seventy (70) months incarceration, followed by three (3) years of supervised probation. Ms. Burns was released from incarceration on March 11, 2002.
5. Ms. Burns fully complied with all terms of her criminal probation, including submitting to random urine screens and completing a rehabilitation program.
6. In December 2007, Ms. Burns graduated from the physical therapist assistant program at Delgado Community College, in New Orleans, Louisiana.
7. On December 21, 2007, the Louisiana Board of Physical Therapy Examiners entered into an Informal Consent Order in which it placed Ms. Burns' license on probation for three (3) years subject to certain terms and conditions.
8. Ms. Burns has had no other criminal convictions.
9. Ms. Burns currently resides and practices in Louisiana with the intent to relocate to Maryland.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Ms. Burns has been convicted of a narcotics violation, and has been sanctioned by a disciplinary authority of another state, and is thus subject to disciplinary action in accordance with Md. Code Ann., Health Occ. §§ 13-302(b), 13-316(6), (7) and (10).

ORDER

Based on an affirmative vote of a majority of the Board, it is this 2nd day of October, 2008, hereby:

ORDERED that Ms. Burns be approved to sit for the State's Maryland jurisprudence

examination; and be it further,

ORDERED that upon successful completion of the jurisprudence examination, Ms. Burns shall be issued a physical therapist assistant license; and be it further,

ORDERED that Ms. Burns' license shall be placed on immediate PROBATION for at least THREE (3) YEARS, such period to commence when Ms. Burns commences employment as a physical therapist assistant in Maryland; and be it further,

ORDERED that during the probationary period, Ms. Burns shall:

(1) Practice under the supervision of an on-site physical therapist;

(2) Insure that the physical therapist supervisor submits quarterly progress reports to the Board;

(3) Successfully complete the next available Board-approved law and ethics;

(4) Submit to Board-ordered random monthly urine drug screens for the first six (6) months of probation, and then random urine drug screens for the remainder of the probationary period; and

(5) Not practice in a home health or nursing home setting; and be it further,

ORDERED that after one (1) year of probation, Ms. Burns may petition to modify the terms of probation provided that she has been fully compliant with all probationary terms and conditions; and be it further,

ORDERED that after three (3) years of probation, Ms. Burns may petition to terminate the probation provided that she has fully complied with the terms of probation and does not have any pending complaints filed against her; and be it further,

ORDERED that Ms. Burns shall at all times cooperate with the Board in the monitoring, supervision, and investigation of Ms. Burns' compliance with the terms and conditions of this

Consent Order; and be it further,

ORDERED that Ms. Burns' failure to fully cooperate with the Board shall be deemed a violation of the probationary terms and a violation of this Consent Order and she may be subject to additional charges and, after notice and opportunity for a hearing, discipline by the Board; and be it further,

ORDERED that Ms. Burns shall be responsible for all costs associated with this Consent Order; and be it further,

ORDERED that this is a formal order of the Maryland Board of Physical Therapy Examiners and as such is a public document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617(h).


October 2, 2008
Date

Margery Rodgers, PT
Margery Rodgers, P.T. *act*
Chair, Board of Physical Therapy Examiners

CONSENT

1. By signing this Consent, I submit to the foregoing Consent Order as a resolution of this matter in lieu of formal charges, which process would have afforded me the right to a full evidentiary hearing. I consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order as if made after a full evidentiary hearing in which I would have 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.
2. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

9/21/08
Date



Jessica Burns, P.T.A.

STATE OF MARYLAND
COUNTY/CITY OF Howard:

I hereby certify that on this 22nd day of September, 2008, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared JESSICA BURNS and made an oath in due form that the foregoing Consent was her voluntary act and deed.

Yvonne R White
Notary Public
My commission expires: 7/17/11