

IN THE MATTER OF

\*

BEFORE THE STATE

ALISON T. DeLEO, P.T.  
Respondent

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BOARD OF PHYSICAL

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THERAPY EXAMINERS

License Number: 21734

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Case Number: PT15-06

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**ORDER OF REVOCATION  
OF PHYSICAL THERAPIST LICENSE**

On April 7, 2015, the Maryland State Board of Physical Therapy Examiners (the "Board") notified Alison T. DeLeo (the "Respondent") of the Board's intent to **REVOKE** her license to practice physical therapy in Maryland under the Maryland Physical Therapy Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 13-101 *et seq.* (2014 Repl. Vol.).

The pertinent provisions of H.O. § 13-316 are:

**H.O. § 13-316. Denials, reprimands, probations, suspensions and revocations – General**

Subject to the hearing provisions of § 13-317 of this subtitle, the Board may deny a license, or restricted license to any applicant, reprimand any licensee or holder of a restricted license, place any licensee or holder of a restricted license on probation, or suspend or revoke a license or restricted license if the applicant, licensee or holder:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license or restricted license for the applicant, licensee, or holder or for another;
- ...
- (24) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board[.]

The Act further provides:

**H.O. § 13-311. Term and renewal of licenses.**

...

- (d) *Continuing education.* The Board may adopt regulations to establish continuing education requirements as a condition for renewal of licenses under this section[.]

The Board has adopted the following regulations

**Md. Code Regs. 10.38.08.01 Continuing Education Requirements - Scope**

This chapter governs:

- A. A licensee applying for renewal[.]

**Md. Code Regs. 10.38.08.02 Definitions**

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
- 1) Continuing education unit (“CEU”) means the basic unit of measurement for a licensee’s direct participation in continuing education consisting of 10 contact hours.
- 2) Contact Hour.
- a) “Contact hour” means a period of 60 minutes in which actual learning takes place[.]

**Md Code Regs. 10.38.08.05 Renewal Requirements**

- A. A licensee shall earn CEUs between April 1 and March 31, during the 2-year period before renewal and maintain the records of the course subject, hours, date and continuing education units to present to the Board on request.
- ...
- C. All renewal applications shall be accompanied by a continuing education form to be completed by the licensee.
- D. A physical therapist must earn 3 CEUs equal to 30 contact hours for the renewal period[.]

**Md. Code Regs. 10.38.08.06 Auditing Compliance with Continuing Education Requirements**

- A. The Board shall audit the continuing education records of as many licensees as time and resources allow.
- B. The Board shall send an audit letter to those to be audited at the close of the renewal period.
- C. At the time of the audit, the audited licensees shall submit:
  - 1. Continuing education certificates earned between April 1 and March 31 during the 2-year period before renewal; and
  - 2. A completed continuing education form.

The Respondent was informed that a Final Order of Revocation of Medical License would be executed **THIRTY (30) DAYS** from date of receipt of the Board's notice, unless the Respondent requested a hearing.

Md. Code Ann., State Gov't § 10-209(c) provides that a person holding a license shall be deemed to have had reasonable opportunity to know of the fact of service if: 1) the person is required by law to notify the agency of a change of address within a specified period of time; 2) the person failed to notify the agency in accordance with the law; 3) the agency of the Office mailed the notice to the address of record; and 4) the agency did not have actual notice of the change of address prior to service. The Board has received no notice that the Respondent has changed his address.

In order for the Board not to execute this Final Order, a written request for hearing had to be received from the Respondent within 30 days of the Respondent's receipt of the Notice of Intent to Revoke Physical Therapy License. The Respondent failed to request a hearing.



## FINDINGS OF FACT

1. At all times relevant to these charges, the Respondent was and is licensed to practice physical therapy in the State of Maryland. The Respondent was initially licensed to practice physical therapy in Maryland on January 23, 2006. The Respondent's license is currently active and was renewed effective May 13, 2014.

2. On May 13, 2014, the Respondent submitted to the Board an online renewal application (the "Application") in which the Respondent attested that she completed and was granted credit for 115 hours of continuing education ("CEs") within the two-year period immediately preceding the submission of his Application (April 1, 2012 to March 31, 2014). The Respondent listed the courses by name, sponsor and date.

3. On the Application, the Respondent attested that the information she had provided to the questions on the Application was true and correct to the best of her knowledge.

4. Thereafter, the Board randomly selected the Respondent to undergo a CE audit to determine her compliance with its CE requirements for the renewal period.

5. By letter dated June 11, 2014, which was sent by first class postage to the Respondent's address of record in Washington, D.C., the Respondent was notified that she was required to submit to the Board within 15 days documentation of the CE courses which she had attested that she had taken.

6. The June 11, 2014 letter was not returned to the Board as undeliverable.

7. By electronic mail dated June 25, 2014, sent to the Respondent's electronic mail address of record, the Respondent was notified that the Board had not

received from her the requested copies of the CE credits she had claimed on her renewal application.

8. The June 25, 2014 electronic mail message was not returned as undeliverable.

9. By letter dated July 29, 2014, which was sent by first class mail to the Respondent's address of record in Washington, D.C., the Respondent was notified that the Board had not received a response from the Respondent. The Respondent was further notified she would be subject to disciplinary action if she did not immediately transmit to the Board the required CE certificates.

10. The July 29, 2014 letter was not returned to the Board as undeliverable.

11. By certified letter dated August 6, 2014, sent to the Respondent's address of record in Washington, D.C., the Respondent was notified that as of that date, the Board had not received a response to the Board's previous communications. The Respondent was directed to immediately transmit to the Board the required certificates or be subject to disciplinary action which the Board would address at its August 2014 meeting.

12. The Board received confirmation that the August 6, 2014 certified letter had been delivered to the Respondent's address of record.

13. By letter dated August 21, 2014, the Board notified the Respondent of an offer to settle the case via a Pre-Charge Case Resolution Conference. The August 21, 2014 letter was sent by certified and regular mail to the Respondent's address of record in Washington, D.C.

14. On September 3, 2014, the receipt for the August 21, 2014 was returned to the Board indicating that the letter had been signed for.

15. On September 29, 2014, the unopened August 21, 2014 letter was returned to the Board. On the envelope was written a forwarding address in Durham, North Carolina.

16. The letter sent by regular mail was not returned.

17. On September 29, 2014, the Board Compliance Manager sent by certified mail to the Durham, North Carolina address the Board's August 21, 2014 letter.

18. On or about October 24, 2014, the certified letter was returned to the Board as undeliverable.

19. On December 18, 2014, the Board charged the Respondent with violations of the Act as listed above. The Board sent the charging document by certified mail and first class mail to the Respondent's address of record.

20. The December 18, 2014 letter sent by certified mail receipt to the Respondent's address of record in Washington, D.C. was forwarded by an unknown person to the Respondent's address in Durham, North Carolina. The unopened letter was returned to the Board on or before February 4, 2015 as undeliverable. The letter sent by first class mail was not returned to the Board.

21. On March 18, 2015 and on March 23, 2015, the Board Compliance Manager telephoned the Respondent at her telephone number of record and left a message. On both calls, the Compliance Manager advised the Respondent of the address the Board had on file as her address of record and requested the Respondent either to call him with her current address or update the address on the Board website.



22. The Respondent failed to return either of the Compliance Manager's calls.
23. As of the date of this document, the Respondent has failed to provide documentation for 115 continuing education hours she had claimed on her 2014 Renewal Application.
24. The Respondent misrepresented that she had completed and obtained credit for 115 continuing education hours.
25. The Respondent willfully and without legal justification failed to cooperate with a lawful investigation conducted by the Board.

**CONCLUSION OF LAW**

Based on the foregoing facts, the Board concludes as a matter of law that the Respondent fraudulently or deceptively attempted to obtain a license, in violation of H.O. § 13-316(1) and willfully and without legal justification failed to cooperate in a lawful investigation conducted by the Board, in violation of H.O. § 13- 316(24).

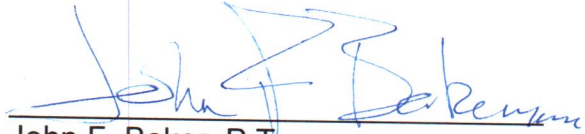
**ORDER**

It is this 11<sup>TH</sup> day of MAY, 2015, by a majority of a quorum of the Board considering this case:

**ORDERED** that the Respondent's license to practice physical therapy in the State of Maryland is hereby **REVOKED**; and it is further

**ORDERED** that this Final Order is a public document pursuant to Md. Code Ann., General Provisions, §§4-101 – 4-601 (2014).

5/11/15  
Date

  
John F. Baker, P.T.  
Chair  
Maryland Board of Physical Therapy  
Examiners

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Health Occ. Code Ann. § 13-318, the Respondent has the right to take a direct judicial appeal. Any appeal shall be filed within 30 days from the date of mailing of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, State Gov't Article § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure. The cover letter shows the date on which the Final Order was mailed.

If the Respondent files an appeal, the Board is a party and should be served with the court's process. In addition, the Respondent should send a copy to the Board's counsel, Brett Felter, Assistant Attorney General, at the Office of the Attorney General, 300 West Preston Street, Suite 302, Baltimore, Maryland 21201. The Administrative Prosecutor is not involved in the circuit court process and need not be served or copied on pleadings filed in that court.