

IN THE MATTER OF

*

BEFORE THE

ALICE EYONG, P.T.

*

MARYLAND BOARD OF

Respondent

*

PHYSICAL THERAPY EXAMINERS

License No. 21282

*

Case No. PT 11-55

* * * * *

PRE-CHARGE CONSENT ORDER

Background

On June 21, 2011, the Maryland Board of Physical Therapy Examiners (the "Board") received a complaint concerning the practice of physical therapy by Alice Eyong, P.T. (the "Respondent"), License No. 21282. Specifically, the complaint alleged that the Respondent incorrectly filled out her time card and inappropriately billed for services at the skilled nursing facility where she worked. The Board initiated an investigation into this matter and sent the Respondent's patient and billing records to a Board expert, who opined that the Respondent could not have provided the individual services she claimed to provide.

In lieu of instituting formal proceedings against the Respondent, 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 ("CRC") with the Respondent on July 23, 2013. As a result, the Board and the Respondent have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent possessed a license to practice physical therapy in Maryland, License No. 21282.

MD Board Of Physical Therapy

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2. The Respondent's license to practice physical therapy is currently active and is set to expire on May 31, 2014.
3. At all relevant times, the Respondent was employed full-time as a physical therapist at a skilled nursing facility in Catonsville, Maryland ("Facility A"). The Respondent also worked on an as-needed basis at another skilled nursing facility in Baltimore, Maryland ("Facility B").
4. On March 16, 2011, a co-worker reported to the rehab program manager at Facility A that the Respondent had left the facility in the middle of her shift on the previous Sunday, March 13, 2011. The rehab program manager at Facility A reviewed the security footage and discovered that the Respondent left Facility A for three hours in the middle of the day. Although the Respondent's time card for the day indicated that she worked for eight hours, the Respondent was only on-site for a total of five hours and 23 minutes.
5. The security footage also indicated that the Respondent was only providing services to patients at Facility A on March 13, 2011, for three hours and 57 minutes. The Respondent, however, billed individual services totaling seven hours and 15 minutes. The Respondent did not code any of her billing as group therapy on that day.
6. The rehab program manager then reviewed the security footage from March 6, 2011, and saw that the Respondent was only on-site for three hours and 19 minutes, despite her time card showing she worked eight hours. The Respondent billed for seven hours of individual physical therapy services (no group therapy) on March 6, 2011.
7. Facility A terminated the Respondent's employment on March 28, 2011.
8. As part of its investigation into this matter, the Board subpoenaed the Respondent's patient and billing records from both Facility A and Facility B for the two dates in

question. The Board sent the records to a Board-appointed expert, who determined that the Respondent worked simultaneously at Facility A and Facility B on the dates in question. The Board's expert also opined that "it was physically impossible [for the Respondent] to provide one-on-one care at each facility for the times billed."

9. At the CRC, the Respondent admitted that she saw patients at both facilities on both dates and that she incorrectly documented her hours and billed for services. She stated that she intended to go back and fix her hours at Facility A but that she was fired before she had the chance to do so.
10. The Respondent also stated that she did provide all the services she claimed to provide on the two days in question, but that she mistakenly billed group therapy as individual services. Again, she stated that she meant to correct her mistake but was not able to do so before she was fired.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent is subject to disciplinary action in accordance with Md. Code Ann., Health Occ. §§13-316(14) and (19) and 13-407.1.

ORDER

Based on an affirmative vote of a majority of the Board, it is this 27th day of September, 2013, hereby:

ORDERED that Alice Eyong, License No. 21282, shall pay a fine in the amount of \$250, payable to the Maryland Board of Physical Therapy Examiners, within ninety (90) days of the date of this Consent Order; and be it further,

ORDERED that the Respondent's license to practice physical therapy shall be placed on immediate **PROBATION** for a period of **ONE (1) YEAR**, during which she shall:

1. Within the first six (6) months of probation, enroll in and complete a Board-approved ethics course, and submit proof of her successful completion to the Board; and
2. Ensure that her physical therapy employer submits quarterly employer reports to the Board on a form required by the Board; and be it further,

ORDERED that after one (1) year of probation, the Respondent may petition the Board to terminate probation, provided that she has been fully compliant with the terms of probation and does not have any pending complaints filed against her; and be it further,

ORDERED that failure to comply with any of the terms of this Consent Order shall be considered a violation of this Consent Order, and after notice and opportunity for a show cause hearing shall subject the Respondent to further discipline such as suspension, revocation or further fines based on the violations cited in this Consent Order; and be it further,

ORDERED that the Respondent shall bear any and all costs incurred in fulfilling the terms of 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 Md. Code Ann., State Gov't § 10-617(h).

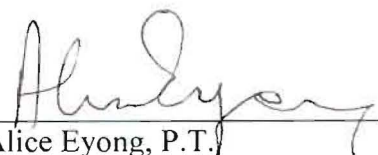
9/27/2013
Date

John Baker
Dr. John Baker, PT, DScPT
Chairman
Maryland 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 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 that this is a formal order of the Board and as such is a public document.
4. I acknowledge the legal authority and the jurisdiction of the Board to enter into and enforce this Consent Order.
5. I sign this Consent Order freely and voluntarily and after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

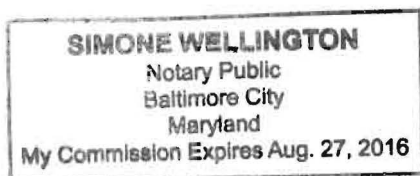
9/6/13
Date




Alice Eyong, P.T.
License No. 21282

STATE OF MARYLAND
COUNTY/CITY OF Baltimore:

I hereby certify that on this 06 day of September, 2013,
before me, a Notary Public of the State of Maryland and County/city aforesaid, personally
appeared ALICE EYONG, and made an oath in due form that the foregoing Consent was her
voluntary act and deed.





Notary Public
My commission expires: August 27 2016