

IN THE MATTER OF	*	BEFORE THE STATE BOARD
MARK B. HOPP, P.T.A.	*	OF PHYSICAL THERAPY
License No. A1882	*	EXAMINERS
Respondent	*	CASE NUMBER: 05-BP-461

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Physical Therapy Examiners (the "Board"), and subject to Md. Health Occ. Ann. § 13-101, et seq., (2000 Repl. Vol. and 2004 Suppl.) (the "Act"), the Board charged Mark Hopp, P.T.A., (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of § 13-316:

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

- (1) Fraudulently or deceptively obtains or attempts to obtain a license, temporary license, or restricted license for the applicant, licensee, or holder or for another;
- (2) Fraudulently or deceptively uses a license, temporary license, or restricted license;
- (10) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or Veterans Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;
- (14) Submits a false statement to collect a fee;

- (15) Violates any provision of this title or rule or regulation adopted by the Board;
- (19) Commits an act of unprofessional conduct in the practice of physical therapy or limited physical therapy;

The Board also charged the Respondent with violation of its Code of Ethics,

Code Md. Regs. tit. 10, § 38.02 (August 2, 1982):

.01 Code of Ethics.

F. The physical therapist and physical therapist assistant shall report to the Board of Physical Therapy Examiners all information that indicates a person is allegedly performing, or aiding and abetting, the illegal or unsafe practice of physical therapy.

The Respondent was given notice of the issues underlying the Board's charges by letter dated July 20, 2006. Accordingly, a Case Resolution Conference was held on August 28, 2006, and was attended by Susan Cabanero-Johnson, P.T., and Shirley Leeper, P.T.A., Board members, Ann Tyminski, Executive Director of the Board, and Linda Bethman, Assistant Attorney General, Counsel to the Board. Also in attendance were the Respondent, who knowingly and voluntarily waived his right to an attorney, and the Administrative Prosecutor, Roberta Gill, Assistant Attorney General.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

FINDINGS OF FACT

1. At all times relevant to the charges herein, the Respondent was licensed to practice as a physical therapy assistant in the State of Maryland. The Respondent was first licensed on December 19, 1995. The Respondent's license expired on May 31, 2006, and the Respondent did not renew same.

2. Prior to the expiration of his license, the Respondent was employed by St. Paul and Biddle, a physical therapy provider with offices throughout the State of Maryland.

3. By form dated June 23, 2005, Physical Therapist ("PT") A¹ filed a complaint against the Respondent. In the course of investigating the complaint, the following was disclosed:

A. When PT A was hired by St. Paul, he brought along the Respondent, with whom he had worked when PT A owned a home health care business in West Virginia;

B. By letter dated March 4, 2005, the Respondent and PTAs A and B complained that PT A: mistreated patients, who, in turn complained to the PTAs about him; told patients that the PTAs don't provide proper treatment; two patients refused to be treated by him; he treated the PTAs with disrespect, berating them in front of patients; he *took forms from the patients' charts home to complete and had an unidentified female write the information on the form, which he signed—a violation of patient confidentiality*; by taking the documents home, they were often missing when the patient arrived for treatment; and, he brought his pet dogs into the clinic, which posed a health risk to patients with allergies;

¹ Patients and co-workers' names are confidential.

C. Prior to working for St. Paul, the Respondent worked at Flagship Rehabilitation at St. Catherine's Nursing Center, where he was reprimanded on several occasions for being late, inconveniencing patients and being up to three weeks behind on his documentation. On September 11, 2002, the Respondent resigned his job;

D. PTA stated in his complaint that the Respondent was arrested on two separate occasions for Driving While Intoxicated. The Board verified that the first time was prior to being licensed by the Board, and the second time was on July 28, 2002, which he failed to disclose to the Board when he renewed his license in 2004. Specifically, on the Respondent's renewal application for 2004, in response to question "6. Have you committed a criminal act to which you pled guilty or *nolo contendere* or for which you were convicted or received probation before judgement?" the Respondent marked "No", thus applying for a license deceptively;

E. On one occasion, the Respondent went home for lunch and fell asleep, failing to treat the afternoon patients;

F. In addition to being often late to work at St. Catherine's, the Respondent was also often tardy while at St. Paul;

G. An expert for the Board reviewed several patient files where the Respondent was involved in treatment and made the following conclusion: the Respondent billed under CPT code 99071, designated for physicians to bill for educational material provided to a patient by a physician at a cost to the physician.

4. As set forth above, by filing a false report to obtain a license renewal, by billing for services not provided, by failing to return from lunch to treat afternoon patients,

by coming to work late on many occasions, and by failing to report violations of the Act to the Board, the Respondent violated the Act and the regulations thereunder.

5. The Respondent is not currently licensed or practicing in the State of Maryland.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 13-317 (1) & (2) (10), (14), (15), and (19). The Respondent also violated Code Md. Regs. tit. 10, § 38.02.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 17th day of October, 2006, by a majority of a quorum of the Board,

ORDERED that the Respondent's license to practice limited Physical Therapy is hereby **REPRIMANDED**.

ORDERED that, in the event that the Respondent elects to return to Maryland to practice limited physical therapy, he will be subject to a minimum two (2) year period of Probation during which, the Respond shall:

- A. Successfully complete a Board-approved ethics course;

B. Successfully complete the Maryland law course approved by the Board; and,

C. Successfully complete a Board-approved billing course.

ORDERED that the Respondent shall bear the costs of complying with the Order.

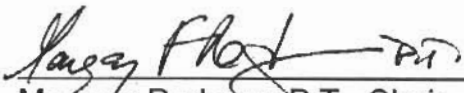
ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

ORDERED that the Respondent may petition the Board to terminate the Probation after two years provided that the Respondent has complied with the above conditions and there are no pending complaints against the Respondent.

ORDERED that should the Board receive information that the Respondent has violated the Act or if the Respondent violates any conditions of this Order, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

ORDERED that, at the end of the Probationary period, the Respondent may petition the Board to be reinstated without any conditions or restrictions on his license, provided that he can demonstrate compliance with the conditions of this Order. Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary;

ORDERED that, for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. §10-617(h) (1999 Repl. Vol.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.



Margery Rodgers, P.T., Chair
State Board of Physical Therapy Examiners

CONSENT OF MARK B. HOPP, P.T.A.

I, Mark B. Hopp, P.T.A., by affixing my signature hereto, acknowledge that:

1. I have knowingly and voluntarily waived my right to counsel.
2. I am aware that, without my consent, my license to practice as a physical therapy assistant in this State cannot be limited except pursuant to the provisions of § 13-316 of the Act and the Administrative Procedure Act (APA) Md. State Govt. Code Ann. §10-201, et seq., (2004 Repl. Vol.).
3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in § 13-317 of the Act and §10-201, et seq., of the APA, and any right to appeal as set forth in § 13-318 of the Act and §10-201, et seq., of the APA. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice as a physical therapy assistant in the State of Maryland.

10/3/06
Date

Mark B Hopp
Mark B. Hopp, P.T.A.

STATE OF NC

CITY/COUNTY OF Pitt:

I HEREBY CERTIFY that on this 3rd day of October, 2006, before me, Hattie R Suggs, a Notary Public of the foregoing State and (City/County),
(Print Name)

personally appeared Mark B. Hopp, P.T.A., License No. A1882, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Hattie R Suggs
Notary Public

My Commission Expires August 13, 2011

My Commission Expires: _____