

**IN THE MATTER OF**

\*

**BEFORE THE STATE**

**YOLANDA LEWIS-FELTON, P.T.A.,\***

**BOARD OF PHYSICAL**

**Respondent**

\*

**THERAPY EXAMINERS**

**License No.: A01616**

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**Case No.: 03-BP-014**

\* \* \* \* \*

**CONSENT ORDER**

**PROCEDURAL BACKGROUND**

Based on the information received and a subsequent investigation by the Maryland State Board of Physical Therapy Examiners ("the Board") and subject to the Maryland Physical Therapy Act, codified at Md. Health Occ. Code Ann. ("H.O.") §13-101 et seq. (2000 Repl. Vol.) ("the Act"), the Board charged Yolanda Lewis-Felton, P.T.A. ("the Respondent"), License Number: A01616, with violating certain provisions of the Act. Specifically, the Board charged the Respondent with violating the following provisions of the Act:

**§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:

- (6) In the case of an individual who is authorized to practice limited physical therapy:
  - i. Practices limited physical therapy other than as authorized by this title; or

- ii. Is grossly negligent while practicing limited physical therapy;
- (16) Violates any provision of this title or rule or regulation adopted by the board;
- (20) Commits an act of unprofessional conduct in the practice of physical therapy;
- (26) Fails to meet accepted standards in delivering physical therapy care; and

§13-404

Supervision Required. Unless under the direction of a licensed physical therapist, a physical therapist assistant may not practice limited physical therapy;

The Board also charged the Respondent with violation of the Code of Maryland Regulations ("COMAR") as follows:

10.38.03.02 Standards of Practice

(B)(1) The physical therapist assistant shall:

- (a) Follow the direction and plan of care of the physical therapist in the treatment of the patient;
- (b) Exercise sound judgment and adequate care in the performance of duties;
- (f) Work within the physical therapist assistant's competency in treatment that is within the scope of practice of limited physical therapy; and

(B)(3) The physical therapist assistant may not:

- (a) Initiate treatment until the patient has been evaluated and the plan of care developed by the physical therapist.

On August 7, 2003, a Case Resolution Conference was held at the Board's offices to determine whether there existed the possibility of resolving the pending issues without having an evidentiary hearing.

**FINDINGS OF FACT**

The Board finds that:

1. At all times relevant to the charges therein, the Respondent was and is licensed to practice limited physical therapy in the State of Maryland. The Respondent was originally licensed on September 15, 1992.

2. At all times relevant to the charges therein, Respondent worked for Genesis Rehabilitation Center Lock Raven ("Genesis") as a physical therapy assistant.

3. On or about September 3, 2002 the Board received a complaint from the Area Director for Genesis alleging that Respondent had provided physical therapy services to a patient whom her supervising physical therapist had assessed and deemed not to be an appropriate candidate for physical therapy services.

4. The Board thereafter conducted an investigation, the findings of which are set forth below.

5. On August 14, 2002, Respondent guided Patient A, a then 30 year old paraplegic at the T12 level status post gunshot wound, into a standing frame without orders from her supervising physical therapist.

6. Prior to Patient A using the standing frame, Respondent had asked her supervising physical therapist to screen Patient A for physical therapy services because the patient had requested assistance with walking. Just two (2) weeks prior to the August 14 incident, the supervising physical therapist had screened Patient A and had determined that he was not a good candidate for physical therapy at that facility.

7. Several days prior to the August 14 incident involving Patient A, Respondent sought an informal second opinion regarding Patient A from another physical therapist who worked in the Genesis building next door. Based on the facts about Patient

A provided by Respondent to the second physical therapist, the second physical therapist agreed with Respondent's supervising physical therapist that Patient A was not a candidate for physical therapy.

8. On August 14, 2002, Respondent's immediate administrative supervisor, a speech pathologist, walked into the rehabilitation gym at Genesis and observed the patient in the standing frame with Respondent seated next to him.

9. Respondent's immediate supervisor then observed Respondent assist Patient A out of the standing frame.

10. There was no physician order to provide physical therapy services to Patient A, nor was there an evaluation by a physical therapist which authorized Respondent to place him in the standing frame.

11. As a result of Respondent's activities with Patient A on August 14, 2002, Genesis immediately suspended Respondent from employment. Genesis terminated her from employment several days later.

12. By providing treatment to Patient A without orders to do so from a supervising physical therapist, the Respondent practiced outside the scope of her license to practice limited physical therapy.

#### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated §13-316 (6), (16), (20), and (26), §13-404, Code Md. Regs. Tit. 10 §38.03.02(B) (1) and 38.03.02 B(3).

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 23rd day of September, 2003, by a majority of the Board, hereby

ORDERED that Respondent's license to practice limited physical therapy in the State of Maryland is SUSPENDED for TWO YEARS, all of which shall be STAYED; and be it further

ORDERED that if the Board has probable cause to believe that the Respondent has violated any of the terms of conditions of this Consent Order, the Board shall provide the Respondent with thirty (30) days to respond to the allegations. After review of the evidence, the Board may, in its discretion, lift the stay of suspension. After providing the Respondent with an opportunity for a hearing, the Board may continue the suspension and/or impose any other disciplinary sanctions it deems appropriate, including reprimand, further suspension, revocation and/or a penalty, said violation of the Consent Order being proved by a preponderance of the evidence; and be it further

ORDERED that the Respondent shall be placed on PROBATION for a period of at least two (2) years; and be it further

ORDERED that, at the end of the probationary period, the Respondent may petition the Board to be reinstated without any conditions or restrictions on the Respondent's license, provided the Respondent 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; and be it further

ORDERED that the Respondent shall enroll in and successfully complete a Board-approved law and ethics continuing education course within one (1) year of the issuance of this order; and be it further

ORDERED, that the Respondent shall practice in accordance with the laws and regulations governing the practice of limited physical therapy in Maryland; and be it further

ORDERED that should the Board receive a report that the Respondent's practice is a threat to the public health, welfare and safety, the Board may take immediate action against the Respondent, including suspension or revocation, providing notice and an opportunity to be heard are provided to the Respondent in a reasonable time thereafter. Should the Board receive in good faith information that the Respondent has substantially violated the Act or if the Respondent violated 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 shall be upon the Respondent to demonstrate compliance with the Order or conditions; and be it further

ORDERED that if the Respondent fails to comply with any of the terms or conditions set forth above, that failure shall be deemed a violation of this Order; and be it further

ORDERED that for purposes of public disclosure, as permitted by Md. State Gov't Code Ann. §10-617 (h) (Repl. Vol.1999), this document consists of the forgoing Findings

of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank to which it is mandated to report.

Sept. 23, 2003  
Date

Margery F. Rodgers, P.T.  
Margery Rodgers, P.T.  
Chairperson  
Board of Physical Therapy Examiners

**CONSENT**

I, Yolanda Lewis-Felton, P.T.A., by affixing my signature hereto, acknowledge that:

1. I am not represented by an attorney but I understand that I have had the right to be represented by an attorney.
2. I am aware that, without my consent, my license to practice limited physical therapy in this State cannot be limited except pursuant to the provisions of §13-317 of the Act and §10-201 et seq. of the Administrative Procedure Act codified in the State Government Article of the Annotated Code of Maryland.
3. I am aware that I am entitled to a full evidentiary hearing before this Board.
4. By this Consent Order, I hereby admit the truth of the Findings of Fact and Conclusions of Law and accept and submit to the foregoing Order and its conditions.
5. I acknowledge the validity of the Order as if made after a hearing in which I would have had 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 and I waive any appeal right under Maryland State Gov't Code Ann. §10-222.

6. I acknowledge that by my failure to abide by the conditions of this Consent Order, I may suffer additional disciplinary action against my license to practice limited physical therapy in the State of Maryland.

7. I understand that this Consent Order is a public document, disclosable under §10-617(h)(2)(vi) of the Md. Code Ann. State Gov't.

8. I fully understand the language, meaning, and terms of this Consent Order.

8/7/03  
Date

[Signature]  
Yolanda Lewis-Felton, P.T.A.  
Respondent

State of: Maryland

City/County of: Baltimore

I HEREBY CERTIFY that on this 7<sup>th</sup> day of August, 2003,

before me, a Notary of the State of Maryland and the City/County of

Yolanda Lewis Felton, personally appeared Yolanda Lewis-Felton, P.T.A., and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and that the statements made herein are true and correct.

AS WITNESS my hand and notarial seal.

[Signature]  
NOTARY

12/16  
My Commission Expires: