

On or about October 22, 2013, the Respondent attended a Case Resolution Conference (the "CRC") of the Board in an attempt to resolve the charges without the necessity of an evidentiary hearing. The Respondent agreed to enter into this Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The Respondent is licensed to practice as a physical therapy assistant in the State of Maryland under License Number A3450. The Respondent's license is currently active and scheduled to expire on May 31, 2014.

2. At all times relevant, the Respondent was employed at Facility A in Baltimore, Maryland.¹

3. On November 27, 2012, the Respondent and the Board entered into a Consent Order ("2012 Consent Order") placing the Respondent's on probation for a period of three (3) years, after the Board received an anonymous complaint that the Respondent was arrested for possession of controlled dangerous substances ("CDS").

4. Under the 2012 Consent, the Respondent's probation was subject to terms and conditions, including but not limited to random urinalysis.

5. On February 26, 2013, the Board issued a warning letter to the Respondent after two consecutive urinalysis tests were positive, one for opiates and the other for codeine and opiates. The Respondent had admitted to taking prescription cough syrup that was not prescribed for her. Furthermore, the opiate level was low on both tests, indicating that the positive results could have been caused by a food source,

¹ To ensure confidentiality, the names of facilities and individuals other than the Respondent are not named in this document. The Respondent can obtain the names of the facilities and individuals names in this document by contacting the administrative prosecutor.

such as poppy seeds. The Board warned the Respondent that future violations of her probation would result in further disciplinary action.

6. On July 29, 2013, a member of the Board's staff ("Staff A") notified the Respondent that she must submit to a urinalysis test by close of business on July 30, 2013. The Respondent reported for her urinalysis test on July 30, 2013.

7. On August 1, 2013, the Board received the results of the Respondent's urinalysis test, which was positive for methadone and opiates.²

8. A confirmation test by the laboratory confirmed the presence of morphine in the Respondent's urine sample. The confirmation test revealed a low level of morphine, indicating that it might have come from a food source.

9. On August 27, 2013, at 8:20 a.m., Staff A notified the Respondent to report for her random urinalysis by the close of business on August 28, 2013. At 9:04 a.m., the Respondent acknowledged receipt of the notification.

10. The Respondent failed to appear for the required urinalysis by the designated date and time.

11. On August 28, 2013, at 4:23 p.m., the Respondent sent an email to Staff A indicating that she was ill and would not be able to report for the required urinalysis. Staff A received the email on August 29, 2013 when he arrived at work.³

12. Staff A emailed the Respondent at 7:38 a.m. on August 29, 2013 and notified the Respondent that her failure to submit to urinalysis before close of business on August 28, 2013 was considered a missed test. Staff A also informed the Respondent that the order for the urinalysis remained in force.

² The Respondent was participating in a methadone treatment program, so the presence of methadone in her urine was anticipated. However, the presence of opiates was not anticipated.

³ The Respondent was aware that Staff A's work day ends at 3:00 p.m.

13. The Respondent replied that she had been trying to see her doctor since the previous day but was unable to get an appointment.

14. On August 30, 2013 at 8:34a.m., the laboratory notified Staff A that the Respondent failed to report for her urinalysis. However, shortly after the laboratory notified Staff A, the Respondent appeared for a urine screen, which was negative.⁴

15. On September 2, 2013, the Respondent submitted a doctor's note to the Board from Physician A. The doctor's note was dated August 30, 2013 and stated that the Respondent had been seen in Physician A's office on August 29, 2013. The doctor's note stated that the Respondent could return to work with no restrictions. Further, in the body of the doctor's note, the date appeared to have been altered.

16. On September 3, 2013, Staff A contacted Physician A's office and spoke to the office manager, who confirmed that the Respondent was seen by Physician A on August 28 and 30, 2013. Physician A did not see the Respondent on August 29, 2013, as the note stated.

17. Staff A obtained a copy of the original note, which stated that Physician A saw the Respondent in his office on August 30th. The Respondent altered the doctor's note before submitting it to the Board.

18. On September 9, 2013, Staff A interviewed the Respondent under oath. The Respondent admitted that she could not go to the laboratory on August 27, 2013 because of childcare issues, as well as caring for her elderly grandmother.

⁴ The urine screen was positive for methadone, which was anticipated due to her participation in a methadone treatment program.

19. The Respondent further stated that she attempted to go to the laboratory for the urine screen on August 28, 2013, but was ill and returned home. The Respondent could not explain why she did not contact the Board sooner.

20. When confronted with the altered doctor's note, the Respondent stated that someone in Physician A's office changed the date when the Respondent pointed out that the date was incorrect.

21. Staff A then showed the Respondent the original, unaltered doctor's note. The Respondent changed her explanation and stated that her mother had returned to the physician's office and had the note changed. The Respondent denied changing the note herself.

22. The Respondent could not explain why the doctor's note did not indicate that she was seen for a sick visit.

23. The Respondent's actions, as described above, constitute a violation of the following provisions of the Act: H.O. §§ 13-316(12), (15), (19) and COMAR 10.38.02.10G.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated H.O. §§ 13-316(12), (15), (17), (19) and COMAR 10.38.02.10G.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 19th, day of November 2013, by a majority of the Board considering this case:

ORDERED that that the summary suspension of the Respondent's license to practice as a physical therapy assistant is hereby lifted; and it is further

ORDERED that the Respondent's license is immediately **SUSPENDED** until such time as the Respondent successfully completes an intensive outpatient substance abuse program; and it is further

ORDERED that the Respondent shall fully, timely, and satisfactorily cooperate and comply with all recommendations and requirements of the treatment program, including but not limited to, complete abstinence, random monitored toxicology screens as required by the program, self-help fellowship meetings at least three times weekly, and other substance abuse treatment if recommended by the program; and it is further

ORDERED that the Respondent shall sign any written release/consent forms, and update them, as required by the Board, the outpatient treatment program or any healthcare provider, to authorize the verbal and written exchange of treatment information regarding the Respondent, including information relating to confidential drug and alcohol abuse treatment; and it is further

ORDERED that the Respondent shall cause the treatment program to provide quarterly reports to the Board regarding her progress and participation; and it is further

ORDERED that the Respondent shall provide written documentation of her successful completion of the treatment program; and it is further

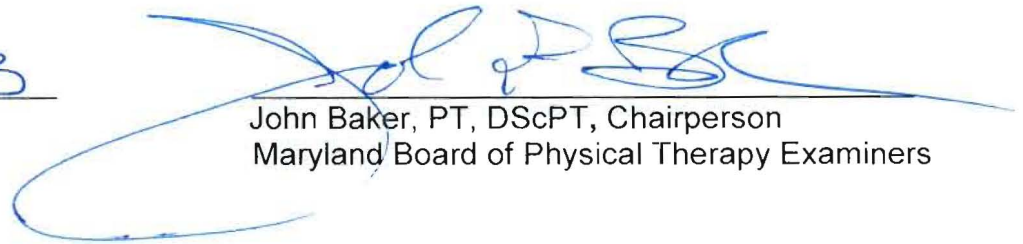
ORDERED that upon successful completion of the treatment program, and prior to petitioning the Board to lift the suspension of her license, the Respondent shall submit to an evaluation by a Board-approved evaluator to determine her fitness to practice physical therapy; and it is further

ORDERED that upon the lifting of the suspension, the Respondent shall be **IMMEDIATELY** placed on **PROBATION** for a period of **THREE (3) years** with terms and conditions to be determined by the Board at that time. Such terms and conditions may be based upon the evaluator's report and the Respondent's compliance with the order

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. §§ 10-611 et seq. (2009 Repl. Vol. & 2012 Supp.).

11/19/13
Date


John Baker, PT, DScPT, Chairperson
Maryland Board of Physical Therapy Examiners

CONSENT OF KARYN A. REBSTOCK, P.T.A.

I, Karyn A. Rebstock acknowledge that I had the opportunity to consult with counsel before signing this document. By this Consent, I admit to the Findings of Fact and Conclusions of Law as set forth above, and agree and accept to be bound by the foregoing Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, confront witnesses, to give testimony, to call witnesses on my own behalf, and

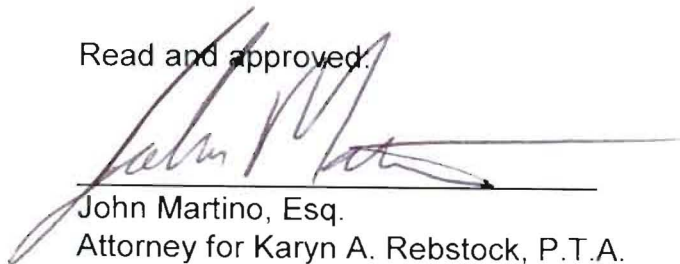
to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce the Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

11/6/13
Date

Karyn A. Rebstock, P.T.A.
Karyn A. Rebstock, P.T.A.

Read and approved:


John Martino, Esq.
Attorney for Karyn A. Rebstock, P.T.A.

NOTARY

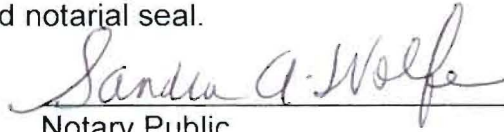
STATE OF MARYLAND

CITY/COUNTY OF Anne Arundel:

I HEREBY CERTIFY that on this 6th day of November, 2013, before me, a Notary Public of the foregoing State personally appeared Karyn A. Rebstock P.T.A. License Number A3450, and made oath in due form of law that signing

the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.


Notary Public

My Commission Expires: 3/13/14