

IN THE MATTER OF  
KARYN REBSTOCK, PTA  
LICENSE NO. A3450

BEFORE THE MARYLAND  
BOARD OF PHYSICAL  
THERAPY EXAMINERS

\* \* \* \* \*

**PRE-CHARGE CONSENT ORDER**

**Background**

On May 17, 2012, the Maryland Board of Physical Therapy Examiners (the "Board") received an anonymous complaint alleging that Karyn Rebstock, PTA, License No. A3450 (the "Respondent") was arrested by the Anne Arundel County Police in December 2011 for possession of controlled dangerous substances. As a result of the Board's investigation into this matter, the Board had reason to believe that the Respondent had substance abuse issues that affected her ability to safely practice limited physical therapy and ordered the Respondent to submit to a mental evaluation in accordance with Health Occ. § 13-316.1. The evaluator determined that the Respondent suffered from opiate dependence and recommended several conditions that would enable the Respondent to safely continue to practice limited physical therapy.

In lieu of issuing Charges against the Respondent for violation of the Maryland Physical Therapy Act, Md. Code Ann., Health Occ. § 13-101 *et seq.*, the Board has voted to enter into this Pre-Charge Consent Order with the Respondent as a resolution of this matter.

**FINDINGS OF FACT**

1. As a result of the Board's investigation into a complaint regarding the Respondent's ~~arrest~~ <sup>summary</sup> for possession of controlled dangerous substances, the Board ordered the Respondent to submit to a mental evaluation to determine whether the Respondent had substance abuse issues. The evaluator diagnosed the Respondent with opiate

dependence.

2. The Respondent is in a methadone treatment program which she began in December 2011. The Respondent is also pregnant with a due date of December 24, 2012.
3. In addition to the methadone treatment, the Respondent attends Narcotics Anonymous once a week.
4. The Board's evaluator recommended, among other things, that the Respondent continue her participation in the 12-step program, engage in individual psychotherapy, and undergo random urine screenings.
5. The Respondent has been practicing at a nursing home facility since 2009.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Ms. Jones has violated Md. Code Ann., Health Occ. §§13-316(8) and (17). ~~RESISTANCE~~ KR

#### ORDER

Based on an affirmative vote of the Board, it is this 27<sup>th</sup> day of November, 2012, hereby:

**ORDERED** that the Respondent's license to practice limited physical therapy be placed on PROBATION for at least THREE (3) years; and be it further

**ORDERED** that during the probationary period, the Respondent shall:

- (1) Not practice limited physical therapy in a home health setting;
- (2) Ensure that her physical therapy employer submits quarterly employer reports to the Board on a form the Board requires;

(3) Immediately enter into individual psychotherapy with an appropriate mental health practitioner to address her substance abuse issues:

(4) Ensure that the mental health practitioner submits to the Board quarterly progress reports;

(5) Attend Narcotics Anonymous (NA) at least three (3) times per week, and submit to the Board attendance slips on a monthly basis;

(6) Submit to random, Board-ordered urine screenings every other week;

(7) Provide the Board with written notification in advance of any period of time during which she may be unreachable due to travel or other reason; and be it further,

**ORDERED** that all urine screens under this Order shall be:

(1) Submitted by the Respondent within 24 hours of the Board staff instructing her to submit a urine sample;

(2) Submitted at a CLIA-certified laboratory;

(3) Negative for any controlled dangerous substance, narcotics, or drugs of concern including Ultram, or other mood-altering substances, except as provided below; and be it further,

**ORDERED** that the Respondent shall abstain from the ingestion of controlled dangerous substances, narcotics, and drugs of concern including Ultram, and other mood-altering substances, except that the Respondent may only ingest prescribed controlled dangerous substances, narcotics, or drugs of concern for legitimate medical reasons under the following conditions:

a. The Respondent must be a bona fide patient of a licensed Maryland prescriber who is aware of this Order;

b. The medication must be lawfully prescribed by the Respondent's physician or other authorized medical practitioner;

c. The Respondent must provide the Board, in writing, within seventy-two (72)

hours of receiving the medication: (a) the name and address of the prescriber; (b) the illness or medical condition diagnosed; (c) the type, strength, amount and dosage of the medication; (d) and a signed statement consenting to the release of all medical information about the Respondent from the prescriber to the Board; and be it further.

**ORDERED** that the Respondent's execution of this Consent Order shall constitute a release of any and all medical health related records, substance abuse treatment records, and psychological/psychiatric records pertaining to the Respondent to the Board in complying with the terms and conditions set forth herein. Further, the Respondent agrees and consents to the release by the Board of any information or data produced as a result of this Consent Order to any treatment provider; and be it further.

**ORDERED** that the Respondent shall at all times cooperate with the Board and all treatment providers in the monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of this Consent Order; and be it further.

**ORDERED** that the Respondent's failure to fully cooperate with the Board in its monitoring of this Order shall be deemed a Violation of Probation and a violation of this Consent Order and the Respondent may be subject to additional charges and discipline by the Board; and be it further.

**ORDERED** that in the event the Board finds for any good faith reason that the Respondent has relapsed, has violated any of the conditions of probation herein, or in the event that the Board finds for any good faith reason that the Respondent has committed a violation of Title 13 of the Health Occupations Article or regulations adopted thereunder, the Board may immediately SUSPEND the Respondent's license prior to a hearing, provided that the Respondent is given the opportunity for a show cause hearing before the Board with a reasonable period thereafter; and be it further.

**ORDERED** that the Respondent may petition the Board for modification of the terms of probation provided that the Respondent has been fully compliant with all terms of this Order and



there are no pending complaints against her; and be it further,

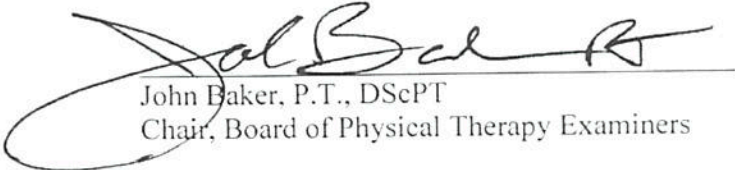
**ORDERED** that the Respondent may petition the Board for release from probation no earlier than three (3) years after the date of this Consent Order provided that she has been in full compliance with all of the terms of probation and there are no pending complaints filed against her; and be it further,

**ORDERED** that the Respondent shall be responsible for all costs associated with 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 the Maryland Annotated Code, State Government Article, Section 10-617(h).

Date

11/27/12

  
John Baker, P.T., DScPT  
Chair, 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 own 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 the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

10/16/2012  
Date

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

STATE OF MARYLAND  
COUNTY/CITY OF Anne Arundel:

I hereby certify that on this 16 day of Oct, 2012, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared KARYN REBSTOCK and made an oath in due form that the foregoing Consent was her voluntary act and

ced.  
DONNA L. RIGBY  
Notary Public-Maryland  
Anne Arundel County  
My Commission Expires  
April 10, 2013

Donna L. Rigby  
Notary Public  
My commission expires: 4/10/13

IN THE MATTER OF	*	BEFORE THE MARYLAND
KARYN A. REBSTOCK, P.T.A.	*	STATE BOARD OF
LICENSE No: A3450	*	PHYSICAL THERAPY EXAMINERS
Respondent	*	CASE NUMBER: PT 14-08
* * * * *	*	* * * * *

**ORDER FOR SUMMARY SUSPENSION**

The Maryland Board of Physical Therapy Examiners (the "Board") hereby **SUMMARILY SUSPENDS** the license of **KARYN A. REBSTOCK, P.T.A.** (the "Respondent"), license number: **A3450**, to practice as a physical therapy assistant in the State of Maryland. The Board takes such action pursuant to its authority under Md. State Gov't Code Ann. § 10-226(c)(2009 Repl. Vol. and 2012 Supp.) concluding that the public health, safety or welfare imperatively requires emergency action.

**INVESTIGATIVE FINDINGS**

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:<sup>1</sup>

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.

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<sup>1</sup> The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

2. At all times relevant, the Respondent was employed at Facility A in Baltimore, Maryland.<sup>2</sup>

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 to 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, such as poppy seeds. The Board warned the Respondent that future violations of her probation would result in greater 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.<sup>3</sup>

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<sup>2</sup> 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.

<sup>3</sup> 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.



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.<sup>4</sup>

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.

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.<sup>5</sup>

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

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<sup>4</sup> The Respondent was aware that Staff A's work day ends at 3 00 p.m.

<sup>5</sup> The urine screen was positive for methadone, which was anticipated due to her participation in a methadone treatment program.

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 30<sup>th</sup>. 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.

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.

### INVESTIGATIVE CONCLUSIONS

Based on the foregoing facts, the Board has reason to determine that there is a substantial likelihood of a risk of serious harm to the public health, safety, or welfare by the Respondent. The Respondent's conduct constitutes actual harm to public health, safety or welfare and undermines the integrity and dignity of the physical therapy profession.

### CONCLUSION OF LAW

Based on the foregoing facts, the Board concludes that the public health, safety or welfare imperatively requires emergency action in this case, pursuant to State Gov't § 10-226(c)(2)(i) (2009 Repl. Vol. and 2011 Supp.).

### ORDER

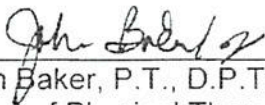
Based on the foregoing, it is this 20<sup>th</sup> day of September, 2013, by a majority of the Board:

**ORDERED** that pursuant to the authority vested by State Gov't § 10-226(c)(2), the Respondent's license to practice as a physical therapy assistant be and hereby is **SUMMARILY SUSPENDED**; and it is further

**ORDERED** that on presentation of this Order, the Respondent **SHALL SURRENDER** to the Board's Investigator her original Maryland license number A3450; and it is further

ORDERED that this is a Final Order of the Board and, as such, is a PUBLIC DOCUMENT pursuant to State Gov't §§ 10-611 *et seq.*

9/20/13  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
John Baker, P.T., D.P.T., Chair  
Board of Physical Therapy Examiners



IN THE MATTER OF	*	BEFORE THE MARYLAND
KARYN A. REBSTOCK, P.T.A.	*	STATE BOARD OF
LICENSE No: A3450	*	PHYSICAL THERAPY EXAMINERS
Respondent	*	CASE NUMBER: PT 14-08
* * * * *		* * * * *

**CHARGES UNDER THE MARYLAND PHYSICAL THERAPY ACT**

The State Board of Physical Therapy Exarniners (the "Board") hereby charges **KARYN A. REBSTOCK, P.T.A. (the "Respondent")**, license number **A3450**, with violating the Maryland Physical Therapy Act (the "Act") codified at Md. Health Occ. Code Ann. § 13-101, *et seq.*, ("the Act") (2009 Repl. Vol. and 2010 Supp.).

The pertinent provisions of the Act under § 13-316 provide the following:

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, reprimand any licensee or certificate holder, or suspend or revoke a license or a restricted license if the applicant, licensee, or holder:

- (12) Willfully makes or files a false report or record in the practice of physical therapy or limited physical therapy;
- (15) Violates any provision of this title or rule or regulation adopted by the Board; to wit:
  - COMAR 10.38.02.10 G. The physical therapist and the physical therapist assistant shall comply with the probationary conditions of a Board order.
- (19) Commits an act of unprofessional conduct in the practice of physical therapy or limited physical therapy;

## ALLEGATIONS OF FACT<sup>1</sup>

The Board bases its charges on the following facts that the Board has reason to believe are true:

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.<sup>2</sup>

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 to 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,

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<sup>1</sup> The statements of the Respondent's conduct with respect to the matters identified herein are intended to provide the Respondent with notice of the alleged charges. They are not intended as, and do not necessarily represent, a complete description of the evidence, either testimonial or documentary, to be offered against the Respondent in connection with these charges.

<sup>2</sup> 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 greater 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.<sup>3</sup>

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.<sup>4</sup>

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.

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<sup>3</sup> 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.

<sup>4</sup> 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.<sup>5</sup>

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 30<sup>th</sup>. 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.

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<sup>5</sup> The urine screen was positive for methadone, which was anticipated due to her participation in a methadone treatment program.



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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.

#### **NOTICE OF POSSIBLE SANCTIONS**

If, after a hearing, the Board finds that there are grounds for action under H.O. § §§ 13-316(12) (15) to wit: COMAR 10.38.02.01G and (19), the Board may impose disciplinary sanctions against the Respondent's license, including revocation, suspension, or reprimand, and may place the Respondent on probation, and/or may impose a monetary penalty.

#### **NOTICE OF CASE RESOLUTION CONFERENCE**

A case resolution conference in this matter has been scheduled for **TUESDAY, OCTOBER 22, 2013 at 12:00 p.m.** at the Board's office, 4201 Patterson Avenue, Baltimore, Maryland 21215. The nature and purpose of the case resolution conference are described in the attached letter to the Respondent.

NOTICE OF HEARING

If the case cannot be resolved at the case resolution conference, a hearing in this matter will be scheduled at the Board's office at 4201 Patterson Avenue, Baltimore, Maryland 21215. The Board will conduct the hearing in accordance with Md. State Gov't. Code Ann. § 10-201 *et seq.* (2009 Repl. Vol. and 2010 Supp.), § 13-317 of the Act and the regulations adopted by the Board under Code Md. Regs., tit. 10.38.05.

9/20/13  
Date

John Baker  
John Baker, P.T., D.Sc.P.T., Chair  
Board of Physical Therapy Examiners

IN THE MATTER OF \* BEFORE THE MARYLAND  
 KARYN A. REBSTOCK, P.T.A. \* STATE BOARD OF  
 LICENSE No: A3450 \* PHYSICAL THERAPY EXAMINERS  
 Respondent \* CASE NUMBER: PT 14-08

\* \* \* \* \*

CONSENT ORDER

On September 20, 2013, the State Board of Physical Therapy Examiners (the "Board") charged KARYN A. REBSTOCK, P.T.A. (the "Respondent"), license number A3450 with violating certain provisions of the Maryland Physical Therapy Act ("the Act"), codified at Md. Health Occ. Code Ann. ("H.O.") §§ 13-101 *et seq.* (2009 Repl. Vol. and 2011 Supp.).

Specifically, the Board charged the Respondent with the following provisions of the Act under H. O. § 13-316:

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, reprimand any licensee or certificate holder, or suspend or revoke a license or a restricted license if the applicant, licensee, or holder:

- (12) Willfully makes or files a false report or record in the practice of physical therapy or limited physical therapy;
- (15) Violates any provision of this title or rule or regulation adopted by the Board; to wit:  
  
COMAR 10.38.02.10 G. The physical therapist and the physical therapist assistant shall comply with the probationary conditions of a Board order; [and]
- (17) Is professionally, physically, or mentally incompetent; and
- (19) Commits an act of unprofessional conduct in the practice of physical therapy or limited physical therapy.

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.<sup>1</sup>

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,

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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.<sup>2</sup>

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.<sup>3</sup>

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.

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<sup>2</sup> 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.

<sup>3</sup> 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.<sup>4</sup>

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 30<sup>th</sup>. 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.

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<sup>4</sup> 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 19<sup>th</sup> 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

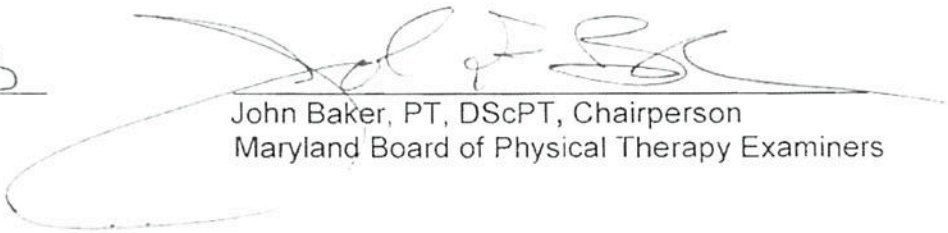


**ORDERED** that upon the lifting of the suspension, the Respondent shall be **IMMEDIATELY** placed on **PROBATION** for a period of **THREE (3) years** with terms and conditions to be determined by the Board at that time. Such terms and conditions may be based upon the evaluator's report and the Respondent's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

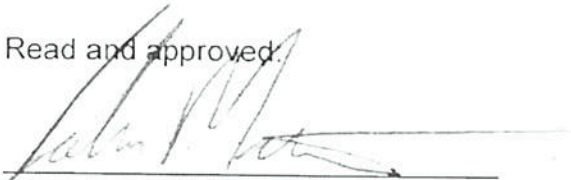
to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce the Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might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

11/27/13  
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

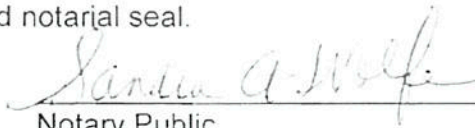
STATE OF MARYLAND

CITY/COUNTY OF Prince Georges :

I HEREBY CERTIFY that on this 6<sup>th</sup> 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





IN THE MATTER OF \* BEFORE THE MARYLAND  
KARYN A. REBSTOCK, P.T.A. \* STATE BOARD OF  
LICENSE No: A3450 \* PHYSICAL THERAPY EXAMINERS  
Respondent \* CASE NUMBER: PT 15-23

\* \* \* \* \*

**NOTICE OF INTENT TO REVOKE THE RESPONDENT'S  
PHYSICAL THERAPY ASSISTANT LICENSE**

Pursuant to the Administrative Procedure Act (the "APA"), Md. Code Ann., State Government ("State Govt.") §§ 10-201, *et seq.* (2014 Repl. Vol.), and Maryland Physical Therapy Act (the "Act"), codified at Md. Health Occ. Code Ann. § 13-101, *et seq.*, (2014 Repl. Vol.), the Maryland State Board of Physical Therapy Examiners (the "Board") hereby notifies **KARYN A. REBSTOCK, P.T.A. (the "Respondent")**, license number **A3450**, of the Board's intent to **REVOKE** her physical therapy assistant license.

The pertinent provisions of the APA state:

§ 10-226 (c)

- (1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:
  - (i) written notice of the facts that warrant suspension or revocation, and
  - (ii) an opportunity to be heard.

Specifically, the Board intends to revoke the Respondent's license to practice as a physical therapy assistant because she tested positive on a drug screen, in violation of COMAR 10.38.02.01G The physical therapist and the physical therapist assistant shall comply with the probationary conditions of a Board order.

## ALLEGATIONS OF FACT<sup>1</sup>

The Board intends to revoke the Respondent's license to practice as a physical therapy assistant for the foregoing facts which the Board has reason to believe are true:

### I. Background

1. The Respondent is licensed to practice as a physical therapy assistant in the State of Maryland under License Number A3141. The Respondent's license is currently suspended and is scheduled to expire on May 31, 2016.

2. On or about November 27, 2012, the Board and the Respondent entered into a Pre-Charge Consent Order ("2012 Consent Order") after the Board received an anonymous complaint that the Respondent was arrested for possession of controlled dangerous substances ("CDS").

3. Under the 2012 Consent Order, the Respondent was placed on probation for a period of three (3) years with terms and conditions including but not limited to random urinalysis.

4. On or about September 20, 2013, the Board issued an Order for Summary Suspension and a Notice of Charges under the Maryland Physical Therapy Act ("2013 Charges") after the Respondent's urinalysis was positive on three occasions. The Respondent also failed to submit to random urinalysis on one occasion and presented the Board staff with a altered doctor's note.

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<sup>1</sup> The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

5. On or about November 19, 2013, after a Case Resolution Conference, the Respondent entered into a Consent Order ("2013 Consent Order") to resolve the outstanding charges. Pursuant to the 2013 Consent Order, the summary suspension of the Respondent's license was stayed and her license was immediately suspended pending the successful completion of an intensive outpatient substance abuse program. Also under the 2013 Consent Order, upon reinstatement her license, the Respondent would be placed on probation for a period of at least three (3) years.

## II. Current Allegations

6. On November 20, 2014, the Respondent was notified that she had until the close of business on the following day to report for urinalysis at Friends Lab.

7. On November 24, 2014, the Board received the results of the Respondent's urinalysis, which was positive for amphetamines.<sup>2</sup> The Respondent did not have any valid prescriptions registered with the Board.

8. On or about December 5, 2014, the Board received the confirmation test from Friends Lab, which confirmed that the Respondent's urine sample was positive for amphetamines.

9. On December 8, 2014, the Respondent contacted the Board and advised that she had taken a phentermine<sup>3</sup> pill approximately five (5) days before submitting to urinalysis. The Respondent further advised that she it was an old prescription for phentermine 2.87 mg, which she was prescribed from April 2013 to October 2013.

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<sup>2</sup> The Respondent's urinalysis was also positive for methadone, for which she has a valid prescription on record with the Board. Methadone is an opioid medication that reduces withdrawal symptoms in people addicted to heroin and other narcotics.

<sup>3</sup> Phentermine is a stimulant that acts as an appetite suppressant.



10. The Respondent stated during the week of November 24, 2013 she was packing boxes and came across her old phentermine prescription, which had several pills remaining. The Respondent stated that she took one of the pills for "no real reason I just took it."

11. Under the 2013 Consent Order, the Respondent is required to advise the Board of all prescriptions. The Respondent did not have an explanation for her failure to inform the Board of her prescription.

12. The Respondent emailed to the Board a copy of the original note from the prescribing physician, which states that the Respondent is a patient and is prescribed phentermine. The note is dated April 3, 2013.

13. The Respondent's conduct, as outlined above, constitutes a violation of COMAR 10.38.02.01G The physical therapist and the physical therapist assistant shall comply with the probationary conditions of a Board order.

**NOTICE OF POSSIBLE SANCTIONS**

If, after a hearing, the Board finds that there are grounds for action under COMAR 10.38.02.01G the Board may impose disciplinary sanctions against the Respondent's license, including revocation, suspension, or reprimand, and may place the Respondent on probation, and/or may impose a monetary fine.



**NOTICE OF OPPORTUNITY FOR A HEARING**

In accordance with the Act and the APA, the Board hereby notifies the Respondent of an opportunity for a hearing **BEFORE** the Board makes a final decision in this case. The Respondent must request a hearing in writing **WITHIN THIRTY DAYS** of the Respondent's receipt of this notice. If the Board does not receive a written request for a hearing within thirty days of the Respondent's receipt of this Notice, the Board will sign the attached Final Order to Revoke Respondent's license to practice as a physical therapy assistant. That document will be a public document under the Maryland Public Information Act, Md. Code Ann., State Government §§ 10-611, *et seq.*, (2014 Repl. Vol.).

The written request should be made to:

Carlton Curry, Executive Director  
Board of Physical Therapy Examiners  
Department of Health & Mental Hygiene  
4201 Patterson Avenue  
Baltimore, Maryland 21215  
(410) 764-4752


with a copy mailed to:

Tracee Orlove Fruman, Assistant Attorney General  
300 W. Preston Street, Suite 207  
Baltimore, Maryland 21201  
(410) 767-1889

If a request for hearing is made, a hearing will be scheduled before the Board. If the Board does not receive a written request for a hearing within thirty (30) days of the Respondent's receipt of this Notice, the Board will sign the attached Final Order to Revoke the Respondent's physical therapy assistant license. That document will be a public

document under the Maryland Public Information Act, Md. Code Ann., State Govt. § 10-611, *et seq.*, (2014 Repl. Vol.).

1/14/2015  
Date

  
John Baker, PT, DscPT, Chair  
Board of Physical Therapy Examiners