

IN THE MATTER OF	*	BEFORE THE
YEFIM REZNIKOV, P.T.	*	STATE BOARD OF
Respondent	*	PHYSICAL THERAPY EXAMINERS
LICENSE NUMBER: PT19483	*	CASE NUMBER: 11-39

\* \* \* \* \*

**PRE-CHARGE CONSENT ORDER**

The State Board of Physical Therapy Examiners (the "Board") received a complaint involving **YEFIM REZNIKOV, P.T. (the "Respondent") (D.O.B. 10/13/1959), license number PT19483**. As a result, the Board conducted an investigation into the matter which revealed that the Respondent was deficient in his clinical documentation.

In lieu of issuing Charges against the Respondent for violation of the Maryland Physical Therapy Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 13-101 *et seq.*, the Board and the Respondent have agreed to resolve this matter as set forth in this Pre-Charge Consent Order.

**FINDINGS OF FACT**

1. At all times relevant hereto, the Respondent was and is licensed to practice physical therapy in the State of Maryland.<sup>1</sup> The Respondent was initially licensed to practice on February 19, 1999, having been issued license number PT19483. His license is currently active and is due to expire on May 31, 2013.

2. At all times relevant hereto, the Respondent was and is the owner, operator, and sole physical therapist at Americare Rehabilitation ("Americare"), a private physical therapy practice with locations in Fallstaff and Owings Mills, Maryland.

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<sup>1</sup> The Respondent was also licensed to practice physical therapy in the State of Illinois (license number 070010595). The Respondent's Illinois license expired in September 2000.

3. On or about March 21, 2010, the Board received information from the National Insurance Crime Bureau ("NICB") in reference to a possible fraud case involving staged motor vehicle accidents ("MVA"). The NICB became aware that an attorney was representing a large number of claimants, all of whom were involved in similar MVAs shortly after securing insurance from AMICA Insurance with a high policy limit. A pattern emerged whereby the claimants would visit the same attorney after the MVA and then seek treatment at Americare.

4. Thereafter, the Board initiated an investigation.

5. NICB provided the Board with information on 12 claimants whose claims were under investigation.

6. In furtherance of its investigation, the Board subpoenaed patient records for the 12 claimants and transmitted those patient records and related documents for a formal peer review of the Respondent's practice. A physical therapist ("the reviewer") reviewed the 11 patient records.<sup>2</sup> The reviewer opined that the Respondent failed to meet accepted standards in delivering physical therapy with regard to all of the patients reviewed.

7. The reviewer found the following deficiencies in all of the records reviewed:

- a. Lack of objective status on every daily treatment note, except for evaluation/re-evaluation;
- b. Lack of frequency and duration of treatment on treatment plan;

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<sup>2</sup> The Respondent transmitted only 11 patient records because he had no record of having treated the twelfth patient.

- c. Lack of evidence of ongoing communication between the Respondent and the physical therapy assistant;
- d. Lack of discharge summaries;
- e. Minimal objective findings on which to base physical therapy intervention in initial evaluations;
- f. Failure to include patients' height, weight, handedness pattern, functional activity history and current recreation/exercise or social information on physical therapy evaluations;
- g. Failure to include in the initial evaluation objective, measurable information that can be used to establish goals of treatment and treatment plan;
- h. Failure to document physical therapy diagnoses;
- i. Failure to document physical therapy evaluation and objective findings relative to patients' subjective complaints.
- j. Failure to correlate documented areas of tenderness to activity performance, movement, strength or function.
- k. Failure to document pain during movement, if any, when recording range of motion;
- l. Failure to document assessments of functional activities that correlate with or substantiate recorded strength deficits;
- m. Failure to document evaluation of joint mobility for intervertebral or extremity joints;



- n. Failure to document the number of repetitions of exercises, sets or amount of resistance on exercise flow sheets;
- o. Failure to document exercise instruction or of the need for physical therapist/physical therapy assistant or actual one-on-one presence during exercise;
- p. Addition and elimination of exercises without supporting documentation;
- q. Failure to document objective status for any date of service on the daily treatment notes;
- r. Failure to document meaningful assessment note;
- s. Failure to document assessment or evaluation of complaints documented on patients' subjective reports;
- t. Failure to document physical therapy intervention specific to patients' complaints;
- u. Excessive number of physical therapy sessions provided for each patient reviewed based on the objective findings documented.

8. During an interview with the Board's investigator, the Respondent agreed with the findings of the reviewer and acknowledged that documentation could have been better.

### **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:

(15) Violates any provision of this title or rule or regulation adopted by the Board; to wit:

COMAR 10.38.03.02A(2) The physical therapist shall:

...

(g) Reevaluate the patient as the patient's condition requires, but at least every 30 days, unless the physical therapist, consistent with accepted standards of physical therapy care, documents in the treatment record an appropriate rationale for not reevaluating the patient; [and]

...

(l):Document ongoing communication with the physical therapist assistant regarding changes in a patient's status and treatment plan;

COMAR 10.38.03.02-1A The physical therapist shall document legibly the patient's chart each time the patient is seen for:

(1) The initial visit, by including the following information:

(b) Condition, or diagnosis, or both, for which physical therapy is being rendered;

...

(d) History, if not previously recorded;

(e) Evaluation and results of tests (measurable and objective data);

(f) Interpretation;

(g) Goals;

(h) Modalities, or procedures, or both, used during the initial visit and the parameters involved including the areas of the body treated;

(i) Plan of care including suggested modalities, or procedures, or both, number of visits per week, and number of weeks;

(2) Subsequent visits, by including the following information (progress notes):

...

(c) Modalities, or procedures, or both, with any changes in the parameters involved and areas of body treated;

(d) Objective status;

(e) Response to current treatment, if any;

(f) Changes in plan of care;

...

(4) Discharge, by including the following information in the discharge summary, which may be combined with the final visit note, if seen by the physical therapist on the final visit and written by the physical therapist:

(a) Date;

(b) Reason for discharge;

(c) Objective status;

(d) Recommendations for follow-up; and

(e) Signature, title (PT), and license number;

COMAR 10.38.03.02-1E. Ongoing Communications. Both the physical therapist and the physical therapist assistant shall document ongoing communication between the physical therapist and physical therapist assistant regarding changes in a patient's status and treatment plan[;and]

(25) Fails to meet accepted standards in delivering physical therapy or limited physical therapy[.]

### **ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this

2nd, day of May 2012, by a majority of the Board considering this case:

**ORDERED** that that the Respondent's license to practice physical therapy in the State of Maryland be and is hereby **REPRIMANDED**; and it is further

**ORDERED** that the Respondent's license to practice physical therapy shall be



placed on **PROBATION** for a **PERIOD OF TWO (2) YEARS**, to commence from the date that this Consent Order is executed, subject to the following terms and conditions:

1. Within six (6) months from the date that this Consent Order is executed, the Respondent shall enroll in and successfully complete a Board-approved course in clinical documentation. The Respondent shall submit proof of his successful completion of the course to the Board;
2. Within six (6) months from the date that this Consent Order is executed, the Respondent shall enroll in and successfully complete the next available offering of the Maryland Physical Therapy Law and Ethics Course. The Respondent shall submit proof of his successful completion of the course to the Board;
3. Within thirty (30) days of the Respondent's successful completion of the required clinical documentation course, the Respondent shall submit the treatment records of three (3) patients, selected by the Respondent, to be reviewed by the Board or a Board designee, and an additional three (3) patients on a quarterly basis thereafter. The selected patient records shall reflect treatment by the Respondent, to include an initial evaluation, progress notes, a reevaluation, and discharge summary. The first group of patient records submitted is not required to include discharge summaries. The Respondent shall follow the Board's recommendations regarding its review of the Respondent's documentation; and it is further

**ORDERED** the Continuing Education requirements required by this Consent Order shall count toward fulfilling other continuing education requirements that the Respondent must fulfill in order to renew his license to practice physical therapy; and be it further

**ORDERED** after the conclusion of the **TWO (2) YEAR** period of **PROBATION**, the Respondent may file a written petition for termination of his probationary status without further conditions or restrictions, but only if the Respondent has satisfactorily complied with all conditions of this Consent Order, including all terms and conditions of probation, and including the expiration of the two (2) year period of probation, and if

there are no pending complaints regarding the Respondent before the Board; and be it further

**ORDERED** that should the Respondent violate any of the terms or conditions of this Consent Order, the Board, after notice, opportunity for a hearing and determination of violation, may impose any other disciplinary sanctions it deems appropriate, including suspension or revocation, said violation being proven by a preponderance of the evidence; and be it further

**ORDERED** that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and be it 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. & 2010 Supp.).

05/02/2012  
Date

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



**CONSENT OF YEFIM REZNIKOV, P.T.**

I, Yefim Reznikov, P.T., acknowledge that I have 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.

5/1/12  
Date

  
Yefim Reznikov, P.T.

Read and approved by:

Laura L. Katz  
Laura Katz, Esq., Attorney for the Respondent

NOTARY

STATE OF MARYLAND

~~CITY~~/COUNTY OF Baltimore:

I HEREBY CERTIFY that on this 1st day of May, 2012,  
before me, a Notary Public of the foregoing State personally appeared Yefim Reznikov,  
P.T. License Number PT19483, 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.

Catherine M. Stone  
Notary Public



My Commission Expires: 7/19/2012