

IN THE MATTER OF	*	BEFORE THE MARYLAND
RAJAKUMAR SADANALA, P.T.A.	*	STATE BOARD OF
Respondent	*	PHYSICAL THERAPY EXAMINERS
LICENSE NO.: A2904	*	CASE NUMBER: PT 13-18
* * * * *		

CONSENT ORDER

On or about August 29, 2013, the State Board of Physical Therapy Examiners (the "Board") charged **RAJAKUMAR SADANALA, P.T.A., LICENSE NO. A2904** (the "**Respondent**") 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.)

Specifically, the Board charged the Respondent with violating the following provisions of H.O. §§ 13-101:

§ 13-316. Denials, reprimands, probations, suspensions and revocations – Grounds.

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:

- (5) In the case of an individual who is authorized to practice limited physical therapy is grossly negligent:
 - (i) Practices physical therapy other than as authorized by this title;
- (14) Submits a false statement to collect a fee;
- (15) Violates any provision of this title or rule or regulation adopted by the Board;

- (16) Uses or promotes or causes the use of any misleading, deceiving or untruthful advertising matter, promotional literature, or testimonial;
- (19) Commits an act of unprofessional conduct in the practice of physical therapy or limited physical therapy; [and]
- (20) Grossly overutilizes health care services[.]

§ 13-401. Practicing without a license.

(b) *Practicing limited physical therapy.* --- Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice limited physical therapy in this State unless licensed to practice limited physical therapy by the Board.

§ 13-403. Misrepresentation – Physical therapist assistant

(a) *In general.* --- Unless licensed to practice limited physical therapy under this title, a person may not represent to the public by title that the person is licensed to practice limited physical therapy in this State.

(b) *Certain representations prohibited.*--- Unless licensed to practice limited physical therapy under this title, a person may not use the abbreviation “P.T.A.” or any other word, letter, or symbol approved by the Board with the intent to represent that the person practices limited physical therapy.

§ 13-404. Supervision Required.

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

§ 13-407. Penalty generally.

(b) *Civil fine.*---

- (1) Any person who violated § 13-401 of this subtitle is subject to a civil fine of not more than \$50,000 to be assessed by the Board.

The pertinent provisions of the Code of Maryland Regulations (“COMAR”) referred to, *infra*, in §13-316(15) provides the following:

COMAR 10.38.03.02 Standards of Practice.

B. Physical Therapist Assistants

- (1) The physical therapist assistant shall:
 - (a) Follow the direction and plan of care of the physical therapist in the treatment of the patient;
 - (d) Use only methods and procedures within the scope of the practice of limited physical therapy;
 - (f) Work within the physical therapist assistant's competency in treatment that is within the scope of practice of limited physical therapy;
 - (g) Document ongoing communication regarding changes in a patient's status and treatment authorized by the physical therapist
- (3) The physical therapist assistant may not initiate treatment until:
 - (a) The patient has been evaluated and the plan of care has been developed by a physical therapist; and
 - (b) A supervising physical therapist has been assigned to the physical therapy assistant.

COMAR 10.38.03.02-1 Requirements for Documentation.

C. The physical therapist assistant shall document the patient's chart each time that patient is seen by the physical therapist assistant following the physical therapist's initial evaluation or reevaluation by including the following:

- (1) Date;
- (2) Cancellations and no-shows;
- (3) Modalities, procedures, or both including parameters involved, and areas of body treated;
- (4) Objective status;
- (5) Response to treatment if any;
- (6) Continuation of plan as established by the physical therapist or change of plan of care as authorized by the physical therapist; and
- (7) Signature, title (PTA) and license number, although the flow chart may be initialed.

E. 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.

FINDINGS OF FACT

The Board finds the following:

1. On or about March 14, 2005, the Respondent was initially licensed to practice limited physical therapy as a physical therapist assistant ("P.T.A") in the State of Maryland. His license expired on May 31, 2012.

2. At all times relevant, the Respondent was self-employed at a private physical therapy practice ("Practice A")¹ located in Silver Spring, Maryland.

3. On or about October 29, 2012, the Board received a complaint alleging that the Respondent, a P.T.A., had been practicing physical therapy without a license or practicing as a P.T.A. without a supervising physical therapist.

4. Thereafter, the Board initiated an investigation, the results of which are set forth, *infra*.

5. The Board's investigation revealed that the Respondent purchased Practice A in 2008. From 2008-2010, he employed a physical therapist ("Therapist A") to provide ongoing care to patients, and supervision to the Respondent. In 2010, Therapist A left the employ of Practice A. Since 2010, Practice A did not hire or retain a physical therapist on staff.

6. Sometime in 2011, the Respondent contracted with a physical therapist ("Therapist B") to intermittently provide initial consultations. Therapist B was advised

¹ To protect their privacy, the names of facilities and persons involved in this matter have been withheld in this document but are known to the Respondent.

that the Respondent's supervising physical therapist was "on vacation" or "away from the office". Therapist B was paid a set fee² for the initial consultations that he provided to patients of Practice A.

7. The Respondent admitted that Therapist B was never retained to provide re-evaluations, updates to treatment plans, ongoing care, or discharge evaluations. He was not retained or paid to provide ongoing supervision or consultation to the Respondent.

8. The Board's investigation revealed that Therapist B provided approximately one hundred (100) initial consultations from 2011-February 21, 2013.

9. On or about May 31, 2012, the Respondent's license to practice as a P.T.A. expired. The Respondent continued to practice after the expiration of his license.

10. On or about May 1, 2013, Board staff conducted a sworn interview of the Respondent. Among other things, the Respondent stated as follows:

- a. After Therapist A left Practice A in 2010, the Respondent experienced financial difficulty, "got in over his head" and could not afford to hire another physical therapist to perform supervision and ongoing care including re-evaluations and discharge plans.
- b. He hired Therapist B in 2010 for initial evaluations only. Since that time, the patients seen at Practice A received no re-evaluations, updated plan(s) of care or discharge evaluations.
- c. His license to practice as a P.T.A. expired in May 2012 due to "sheer ignorance". He "didn't pay attention" and only after being notified by the Board that he was under investigation and that his license had expired, he checked his "junk mail" and saw an expired [renewal] notice.
- d. He understood that he could not renew his license in 2012 without required continuing education ("CE") courses. His last CE credit dated back to 2010.

² Therapist A was initially paid \$60 per patient consult. In 2012-2013, the fee was increased to \$80 per patient consult.

- e. He provided ongoing physical therapy treatment to approximately seventy (70) patients from 2010³ - March 2013.
- f. During that time, if he received a prescription for modification of treatment from a patient's treating physician, the Respondent changed the plan of care but did not document those changes in treatment in the patient's chart.
- g. In response to a subpoena, the Respondent provided eleven (11) patient charts to the Board.
- h. The subpoenaed patient charts contain no re-evaluations, discharge summaries or documented conversations with physical therapists.
- i. He submitted claims to third party insurers using a National Practitioner Identification ("NPI") group number established by Practice A's previous owner. After the Respondent purchased Practice A from its previous owner, the Respondent did not obtain a new NPI group number nor did he obtain a personal NPI number.
- j. At times, third party insurers contacted him requesting that claims be resubmitted referencing an individual NPI number. The Respondent understood this to mean that the requesting insurer would not pay bills without a physical therapist's NPI number. In or after 2010, the Respondent did not have a physical therapist supervising his treatment and care of patients. The Respondent submitted Therapist A or Therapist B's individual NPI number based on who had performed the initial evaluation on the patient.
- k. The Respondent was unaware that a P.T.A. was not authorized to submit claims to workers' compensation insurers. He did not differentiate between a fee that could be charged by a P.T.A. versus a fee that could be charged by a physical therapist.

11. Following the Respondent's interview, Board staff confirmed that a license renewal letter was sent to the Respondent in March 2012, via first class mail to his address of record. The Respondent stated under oath during his interview that he did not receive the renewal notice because it was filtered to his "junk mail"; however, Board staff confirmed that as of May 14, 2013, no renewals had been sent via email to any licensee.

³ The Respondent could not recall the date or month that Therapist A left the employ of Practice A.

12. On or about May 15, 2013, the Board retained an expert consultant ("Board expert") to review relevant patient and billing records as well as interview transcripts.

13. The Board expert issued a report on or about June 9, 2013. In that report, the Board expert summarized the Respondent's care and treatment of eleven (11) patients and further provided expert opinions regarding deficiencies in that care. The Board expert also opined on the Respondent's breach of ethical and professional responsibilities pertaining to patient care and billing.

14. Specifically, the Board expert found that in six (6) of eleven (11) patients reviewed, the Respondent continued to treat patients without re-evaluations that were necessary to assess the patient's progress, and to justify continuing care. In one (1) case, the Respondent treated a patient on ninety (90) occasions without any re-evaluations.

15. The Board expert found that in eight (8) of eleven (11) patients, modalities performed by the Respondent were not authorized by the initial plan of care.

16. It was documented that the Respondent provided care to ten (10) of eleven (11) patients after his license had expired, for a total of 146 treatments.

17. The Board expert found a failure to appropriately document: 1) treatment and care; 2) communication between the Respondent and a supervising physical therapist; 3) objective measurements to justify continuation of treatment by Practice A; 4) basis for billing to third party insurers; and 5) discharge rationale.

18. The Board expert also found that in all eleven (11) patient charts, the Respondent failed to substantiate the number of units billed for therapeutic exercise and neuromuscular education.

19. The Board expert found that the Respondent acted unprofessionally and failed to comply with the established standards of practice.

20. The Board concluded that the Respondent practiced limited physical therapy with an expired license and without ongoing supervision. The Board also concluded that the Respondent submitted claims to third party insurers using Therapist A and B's NPI numbers, without their specific authorization.

21. The Board concluded that the Respondent failed to follow the established plan of care, exceeded the scope of limited physical therapy, and worked outside of his competency.

22. The Board concluded that the Respondent over-utilized health care services that were not medically necessary and/or warranted and initiated/continued treatment without appropriate re-evaluations or discharge evaluations.

23. The Board concluded that the Respondent failed to maintain adequate and timely documentation.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's actions and/or inactions, as described above, violated H.O.: §§ 13-316 (5)(i), (14), (15),(16) (19), (20); 13-401(b);13-403(a) and (b); 13-404 and 13-407(b)(1). The Respondent's actions further constitute violations of COMAR

10.38.03.02B(1)(a),(d),(f),and(g); 10.38.03.02B(3)(b); 10.38.03.02-1C (3,4,5 and 6); and 10.38.03.02-1E.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 18th day of MARCH 201~~8~~¹⁴, by a majority of a quorum of the Board considering this case:

ORDERED that the Respondent shall submit an application for licensure reinstatement and shall comply with all licensure requirements including but not limited to continuing education; and it is further

ORDERED that upon reinstatement, the Respondent's license shall be immediately **SUSPENDED** for a period of **ONE (1) YEAR**, and it is further

ORDERED that during the period of **SUSPENSION**, the Respondent shall:

- (1) Successfully complete the Board's closed-book Maryland jurisprudence examination with a score of at least 90%;
- (2) Successfully complete six (6) live, in-person continuing education hours in courses focusing on appropriate billing (including coding) and documentation;
- (3) Successfully complete, a Board-approved ethics tutorial; and

AND IT IS FURTHER ORDERED that upon successful completion of the terms and conditions of **SUSPENSION**, the Respondent may file a petition with the Board requesting that the **SUSPENSION** be lifted; and it is further

ORDERED that upon lifting of the **SUSPENSION**, the Respondent's license shall be placed on **PROBATION** for a period of **THREE (3) YEARS** from the date of the

Board's Order Lifting the Stay of Suspension, subject to the following terms and conditions:

- (1) The Respondent shall practice at all times under the supervision of a Board-approved physical therapist;
- (2) The Respondent shall ensure that the supervising physical therapist submits quarterly progress reports to the Board;
- (3) The Board reserves the right to communicate with the supervising physical therapist to ensure the Respondent's compliance with this Order and the Act; and
- (4) The Respondent shall immediately notify the Board of any changes in supervision, and/or employment and shall obtain Board approval of any new supervisor;

AND IT IS FURTHER ORDERED that prior to the conclusion of the probationary period, the Respondent shall pay a civil fine in the amount of **FIVE THOUSAND (\$5,000)** dollars, by certified check or money order made payable to the Maryland Board of Physical Therapy Examiners; and it is further

ORDERED that the Respondent shall complete all continuing education required for the renewal of his license, in addition to the continuing education courses taken as conditions precedent to the reinstatement of his license; and it is further

ORDERED that the Respondent shall bear all costs associated with compliance with this Order; and it is further

ORDERED that the Respondent shall at all times cooperate with the Board, any of its agents or employees in the monitoring and supervision of the Respondent's

compliance with the terms and conditions of this Consent Order, and it is further

ORDERED that if Respondent violates any of the terms or conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board, or opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying material facts, may impose any sanction which the Board may have imposed in this case under the Act, including an additional probationary term and conditions of probation, reprimand, suspension, revocation and/or a monetary penalty, said violation of probation being proved by a preponderance of the evidence; and it is further


ORDERED that after the conclusion of the three (3) year period of probation, the Respondent may submit a written petition to the Board requesting termination of probation, provided that he has fully and satisfactorily complied with all probationary terms and conditions, paid the fine, and there are no pending investigations or outstanding complaints related to the subject matter of the Charges; and it is further

ORDERED that as a permanent condition of licensure, the Respondent may not own a physical therapy practice, in whole or in part, and may be contractually or otherwise employed or affiliated with a physical therapy practice that is owned, in whole or in part, by a family member; 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.).

3/18/14

Date



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


CONSENT OF RAJAKUMAR SADANALA, P.T.A.

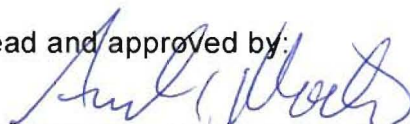
I, Rajakumar Sadanala, P.T.A., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I agree and accept to be bound by the foregoing Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings 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.

3/14/14
Date


Rajakumar Sadanala, P.T.A.
Respondent

Read and approved by:

Andrew J. Marter, Esq., Attorney for the Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Frederick :

I HEREBY CERTIFY that on this 14th day of March, 2014,
before me, a Notary Public of the foregoing State personally appeared Rajakumar
Sadanala P.T.A. License Number A2904, 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.

Brenda Jacobs
Notary Public

My Commission Expires: 12/10/16

