

IN THE MATTER OF  
CAROL TAMERIS, PT  
LICENSE NO. 19922

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BEFORE THE MARYLAND  
BOARD OF PHYSICAL  
THERAPY EXAMINERS

\* \* \* \* \*

**PRE-CHARGE CONSENT ORDER**

**Background**

The Maryland Board of Physical Therapy Examiners (the "Board") received a complaint regarding an unlicensed employee ("Employee A") of Optimal Physical Therapy & Industrial Rehabilitation, Inc. ("Optimal") alleging that Employee A was practicing physical therapy without a license. As a result, the Board conducted an investigation into the matter which confirmed that Employee A was performing certain physical therapy procedures under the direction and supervision of Carol Tameris, P.T. (the "Respondent"), who is a part-owner of Optimal.

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 held a Pre-Charge Case Resolution Conference with the Respondent on December 11, 2008. As a result, the Board and the Respondent have agreed to resolve this matter as set forth in this Consent Order.

**FINDINGS OF FACT**

1. The Board received a complaint from a retired physical therapist alleging that Employee A was rendering physical therapy at Optimal without a license.
2. Employee A is not licensed as a physical therapist or physical therapist assistant. Employee A is a kinesiologist and is certified by the Workers' Compensation Commission to perform FCE evaluations and provide work hardening services.

3. The Respondent and Employee A are co-owners of Optimal. Optimal provides both physical therapy services and work hardening services.
4. Between 2005 and 2007, in addition to providing work hardening services, Employee A functioned as a physical therapy aide to assist the Respondent in the treatment of Optimal's physical therapy patients.
5. Between 2005 and 2007, Respondent permitted Employee A to perform ultrasound and electric stimulation on her physical therapy patients in accordance with the plan of treatment created by the Respondent.
6. Ultrasound and electric stimulation are modalities within the scope of physical therapy practice that require a physical therapist or physical therapist assistant license, unless otherwise appropriately licensed.
7. Physical therapy aides, such as Employee A, are not permitted to perform ultrasound or electric stimulation.
8. Respondent also permitted Employee A to provide manual therapy and massage on her physical therapy patients.
9. Manual therapy and massage are procedures within the scope of physical therapy practice that require a physical therapist or physical therapist assistant license, unless otherwise appropriately licensed.
10. Physical therapy aides, such as Employee A, are not permitted to perform manual therapy or massage.
11. Employee A regularly wrote and signed progress notes for the physical therapy treatment he provided.
12. The Respondent signed progress notes and submitted all billing forms as the treatment provider for physical therapy treatment rendered by Employee A.
13. On at least one occasion, the Respondent was not on the premises when Employee A was rendering physical therapy treatment.

**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes that the Respondent has violated Md. Code Ann., Health Occ. §§13-316(4), (11), (19), and (25).

**ORDER**

Based on an affirmative vote of a quorum of the Board, it is this 17<sup>th</sup> day of March, 2009, hereby:

**ORDERED** that the Respondent shall be SUSPENDED for one (1) year, with all but ninety (90) days stayed; and be it further,

**ORDERED** that the Respondent shall pay a fine of \$5,000 within one (1) year of the date of this Order; and be it further,

**ORDERED** that upon completion of the active suspension period, the Respondent shall be placed on immediate PROBATION for at least TWO (2) YEARS; and be it further,

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

- (1) Successfully complete the first available Board-approved law and ethics course; and
- (2) Within the first year of probation, engage a Board-approved practice consultant to review the practice and billing procedures of Optimal Physical Therapy & Industrial Rehabilitation, Inc. The practice consultant shall submit a final report to the Board detailing his or her review and recommendations. Respondent shall comply with the recommendations of the consultant to the extent that they implement the provisions of the Maryland Physical Therapy Act; and be it further,

**ORDERED** that after two (2) years of probation, the Respondent may petition to

terminate the probation provided that the Respondent has fully complied with the terms of probation and does not have any pending complaints filed against her; and be it further,

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

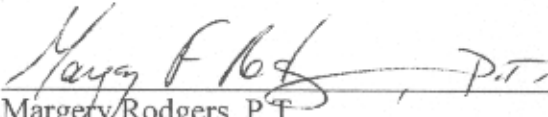
**ORDERED** that the Respondent's failure to fully cooperate with the Board shall be deemed a violation of the probationary terms and a violation of this Consent Order and the Respondent may be subject to additional charges and, after notice and opportunity for a hearing, discipline by the Board; and be it further,

**ORDERED** that the Respondent shall be responsible for all costs associated with this Consent Order; and be it further,

**ORDERED** that the Respondent shall submit her physical therapist's license to the Board by April 1, 2009, to commence the Respondent's active suspension period;

**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).

March 17, 2009  
Date

  
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Margery Rodgers, P.T.  
Chair, Board of Physical Therapy Examiners

CONSENT

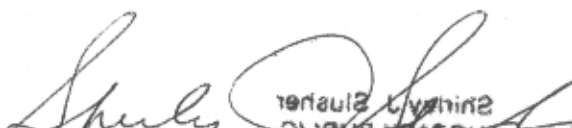
1. By signing this Consent, I submit to the foregoing Consent Order as a resolution of this matter in lieu of formal charges, which process would have afforded me the right to a full evidentiary hearing. I consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order as if made 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.

3-12-09  
Date

Carol Tameris, MSPT  
Carol Tameris, P.T.

STATE OF MARYLAND  
COUNTY/CITY OF Calvert

I hereby certify that on this 12 day of March, 2009, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared CAROL TAMERIS and made an oath in due form that the foregoing Consent was her voluntary act and deed.

  
Shirley J. Slusher  
NOTARY PUBLIC  
Calvert County  
State of Maryland  
My Commission Expires  
December 1, 2010

