

IN THE MATTER OF

JAMES ALLEN WILLIAMS, P.T.

Respondent

License Number: 17429

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BEFORE THE

MARYLAND BOARD OF

PHYSICAL THERAPY

EXAMINERS

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CONSENT ORDER

The Maryland State Board of Physical Therapy Examiners (the "Board") charged James Allen Williams, P.T., License Number 17429, D.O.B. 08/13/64, (the "Respondent"), with violating certain provisions of the Maryland Physical Therapy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 13-101 et seq. (2000 Repl. Vol. and 2002 Supp.). Specifically, the Board charged the Respondent with violating the following:

H.O. § 13-316:

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:

- (13) Willfully makes or files a false report or record in the practice of physical therapy;
- (15) Submits a false statement to collect a fee; and
- (20) Commits an act of unprofessional conduct in the practice of physical therapy or limited physical therapy.

FINDINGS OF FACT

The Board finds:

1. The Respondent is, and at all times relevant to this Consent Order was, licensed to practice physical therapy in the State of Maryland. The Respondent was initially licensed to practice physical therapy in Maryland on January 19, 1993.

2. At all times relevant to this Consent Order, the Respondent was employed as a physical therapist at Upper Chesapeake Health Home Care of Saint Joseph Medical Center ("Upper Chesapeake") located at 8003 Corporate Drive, Baltimore, Maryland.

3. Upper Chesapeake provides in home physical therapy and other health care services to patients.

4. On or about May 17, 2002, the Board received a complaint from the President of Upper Chesapeake (the "Complainant"). The Complainant reported that the Respondent was terminated because the Respondent documented in patient records that he performed physical therapy treatments when no treatment had been performed.

5. A subsequent investigation by the Board revealed the following:

PATIENT A¹

6. Patient A, an 88-year-old female was referred for physical therapy treatments following hip surgery. Patient A was initially evaluated by the Respondent on March 4, 2002.

¹ To ensure confidentiality, patient names are not disclosed in this Consent Order. The Respondent is aware of the patients' identity.

7. Following her initial evaluation, Patient A received physical therapy treatments from the Respondent on at least twenty-two (22) occasions between March 6, 2002 and May 2, 2002.

8. The Respondent noted in Patient A's treatment records that he treated Patient A on April 6, 18, and May 2, 2002. The Respondent did not treat Patient A on April 6, 18, and May 2, 2002.

9. The Respondent billed for physical therapy treatment on April 6, 18, and May 2, 2002.

10. On April 17, 2002, the Respondent noted in Patient A's treatment record that his treatment session with Patient A began at 8:40 a.m. and concluded at 9:25 a.m. The Respondent did not begin physical therapy with Patient A on April 17, 2002 until after 12:00 p.m.

PATIENT B

11. Patient B, an 80-year-old male, suffering from congestive heart failure, was referred for physical therapy treatment. Patient B was initially evaluated by the Respondent on March 12, 2002.

12. Following his initial evaluation, Patient B received physical therapy treatments from the Respondent on at least ten (10) occasions between March 12, 2002 and May 2, 2002.

13. The Respondent noted in Patient B's treatment records that he treated Patient B on April 6, 2002.

14. The Respondent noted in Patient B's treatment records that he treated and discharged Patient B on May 2, 2002.

15. The Respondent did not treat Patient B on April 6, 2002 or May 2, 2002.

16. The Respondent billed for physical therapy treatment on April 6, 2002 and May 2, 2002.

CONCLUSIONS OF LAW

The Board finds that the Respondent violated H.O. § 13-316(a)(13), (15) and (20).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 17th day of June 2003, the Board, by a majority of the quorum of the Board, hereby

ORDERED that the Respondent's license be **SUSPENDED** for a period of **ONE (1) YEAR**, and that said suspension be **IMMEDIATELY STAYED**; and be it further

ORDERED that Respondent is placed on **PROBATION** for a period of **ONE (1) YEAR** from the date this Order is signed subject to the following conditions:

1. The Respondent shall take and successfully complete the law and ethics course, with its accompanying examination;
2. The Respondent shall take and successfully complete a board-approved documentation course; and
3. ~~If the Respondent chooses to practice physical therapy in the home health setting, he shall provide verification of randomly selected home visits to a Board-approved monitor for a period of SIX (6) MONTHS.~~ *See page 4a per Board of PT act 6/17/03*

ORDERED that if the Respondent violates any of the terms or conditions of this Consent Order, including probationary terms or conditions as set forth herein, then the Board, after a determination of violation and notice, and an

On June 17, 2003 the Board of Physical Therapy Examiners has changed the language in the Order of James Williams, P.T. on page 4, paragraph 3 of the Order as follows:

- 3. If the Respondent chooses to practice physical therapy in the home health setting, he shall provide a list of all patients assigned to him to a Board approved mentor for a period of six months. The mentor will randomly select patient visits to verify Respondent has actually made the visits and treated the patients.**

If this change in language is acceptable to the Respondent, he is to initial this section and return it to the Board.

opportunity for a hearing, may impose any other disciplinary sanctions if deems appropriate, including suspension or revocation, said violation of probation being proved by a preponderance of evidence; and be it further

ORDERED that at the end of Respondent's probationary period, the Respondent may petition the Board for release from probation after **ONE (1) YEAR**, provided that he has fulfilled all the terms and conditions of probation set forth herein, is not in violation of this Consent Order and there are no outstanding complaints against the Respondent. If the Board determines that the terms of probation have not been successfully completed, then the Board may modify one or more condition upon which the Respondent was placed on probation, upon notice to the Respondent. However, if the Respondent fails to make any such petition, then the probationary period status shall continue indefinitely, subject to the conditions set forth in this Order; and be it further

ORDERED that the Respondent shall practice physical therapy in accordance with the Maryland Physical Therapy Act, and in a competent manner; and be it further

ORDERED that in the event the Board finds for any reason in good faith that the Respondent has violated any provision of Title 13 of the Health Occupations Article, Annotated Code of Maryland or the regulations thereunder, the Board, after notification to the Respondent, and an opportunity for a hearing, may take immediate action and may impose any lawful disciplinary sanctions it deems appropriate, including but not limited to revocation or suspension of the Respondent's license to physical therapy; and be it further


ORDERED that for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. § 10-617(h) (1999 Repl. Vol. and 2002 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and that the Board may also disclose to any national reporting bank to whom the Board is mandated to report; and be it further

ORDERED that the conditions of this Consent Order be, and the same is hereby, effective as of the date of this Order; and be it further

ORDERED that this is a **FINAL ORDER** and as such is a public document pursuant to Md. State Gov't. Code Ann. §§ 10-611 et seq. (1999 Repl. Vol. and 2002 Supp.).

ORDERED that the Respondent shall be responsible for all costs incurred under this Consent Order; and be it further

IT IS SO ORDERED THIS 17TH DAY OF JUNE, 2003.


Margery Rodgers, P.T., Chairperson
State Board of Physical Therapy Examiners

CONSENT OF JAMES ALLEN WILLIAMS, P.T.

I, **James Allen Williams, P.T.**, License No. 17429, by affixing my signature hereto, acknowledge that:

1. I am represented by **Lois Fenner McBride, Esquire**, and I have had the opportunity to consult with counsel before signing this document.

2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to § 4-318 of the Act, Md. State Gov't. Code Ann. §§10-201 et seq.

3. I acknowledge the validity of this Consent Order as if entered after a formal evidentiary hearing in which I would have had 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.

4. I voluntarily enter into and consent to the foregoing Findings of Fact, Conclusions of Law and Order, provided that the Board adopts the foregoing Consent Order in its entirety. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a fully evidentiary hearing, as set forth above, and any right to appeal this Consent Order or as set forth in § 4-318 of the Act and Md. State Gov't. Code Ann. §§10-201 et seq. (1999 Repl. Vol. and 2002 Supp.).

5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, and, following proper procedures, I may suffer disciplinary action, which may include revocation of my license to practice physical therapy in the State of Maryland.

6. I sign this Consent Order without reservation as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

6/12/03
Date

James Allen Williams
James Allen Williams, P.T.

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF HARFORD CO.

I HEREBY CERTIFY THAT on this 12 day of JUNE, 2003, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared James Allen Williams, P.T., and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Bradley M. Wash
Notary Public

My Commission Expires: 11-2006