

¹ Pursuant to a July 17, 2007 Consent Order (the “2007 Consent Order”), the Respondent was placed on probation for a period of two years after he disclosed a criminal conviction on his application for licensure. He disclosed a 2004 theft conviction and a 2006 conviction for driving under the influence (“DUI”). On March 1, 2004, the Respondent pled guilty to conspiracy to commit theft over \$500 and he was sentenced to three years of incarceration with all but 37 days suspended and two years of supervised probation. Six remaining counts were dismissed. On November 15, 2006, the Respondent was granted probation before judgment for the DUI. The 2007 Consent Order permitted the Respondent to take the

2. At all times relevant hereto, the Respondent was and is working as a full-time physical therapy assistant at Americare Rehabilitation ("Americare"), a private physical therapy practice with locations in Fallstaff and Owings Mills, Maryland. The Respondent is also employed as a part-time pool therapist at Kassamir Physical Therapy in Pikesville, Maryland.

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.² The reviewer opined that the Respondent failed to meet accepted standards in delivering physical therapy with regard to all of the patients reviewed.

national examination for physical therapy assistants, and upon receiving a passing score, permitted him to practice under certain conditions. His probation was terminated on July 21, 2009.

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

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

- a. The Respondent regularly wrote "tolerated treatment well" when assessing his patients;
- b. When using electrical stimulation, the Respondent failed to record the intensity level or timing in the patient's chart;
- c. When filling out exercise logs, the Respondent only used check marks to indicate when an exercise was completed;
- d. The Respondent increased and/or decreased exercises in patients' respective plans of treatment without supportive documentation; and
- e. The Respondent failed to document communications with his supervising physical therapist.

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 10.38.03.02-1C. The physical therapist assistant shall document the patient's chart each time the patient is seen by the physical therapist assistant following the physical therapist's initial evaluation or reevaluation by including the following:

...

(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 as authorized by the physical therapist; [and]

COMAR 10.38.03.02-1E. 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.

(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 19th, day of June 2012, by a majority of the Board considering this case:

ORDERED that that the Respondent's license to practice as a physical therapy assistant in the State of Maryland be and is hereby **SUSPENDED** for a period of **THIRTY (30) DAYS**; and it is further

ORDERED that the suspension is hereby **STAYED**; and it is further

ORDERED that the Respondent's license to practice as a physical therapy assistant 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 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. 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 must reflect at least eight (8) treatments by the Respondent. 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 as a physical therapy assistant; 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

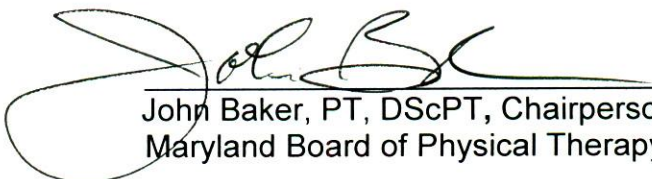
ORDERED that should the Respondent violate any of the terms or conditions of this Consent Order, the Board, after notice, opportunity for a hearing and determination of violation, may impose any other disciplinary sanctions it deems appropriate, including suspension or revocation, said violation being 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.).

6/19/12

Date



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

CONSENT OF BORIS YURGANOV, P.T.A.

I, Boris Yurganov, P.T.A., 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.

5/10/12
Date

Boris Yurganov
Boris Yurganov, P.T.A.

Read and approved by:

Henry E. Schwartz, Esq.
Henry E. Schwartz, Esq., Attorney for the Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 10th day of May, 2012, before me, a Notary Public of the foregoing State personally appeared Boris Yurganov, P.T.A. License Number A3178, 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.

Olutomi Adebayo
Notary Public

My Commission Expires: 10/14/2014

