

George J. Ayers, P.T.
75 Beatrice Street
Lanvale, Maryland 21502

Date

Penelope D. Lescher, M.A., P.T., M.C.S.P., Chair
Board of Physical Therapy Examiners
4201 Patterson Avenue
Baltimore, Maryland 21215

Re: Surrender of Physical Therapist License
License Number: 14444

Dear Ms. Lescher and Members of the Board:

Please be advised that I have decided to surrender my license to practice physical therapy in the State of Maryland, License Number 14444. I understand that I may not give physical therapy advice or treatment to any individual, with or without supervision and/or compensation, cannot practice physical therapy or otherwise engage in the practice of physical therapy as it is defined in the Physical Therapy Practice Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 13-101, *et seq.* (2000 Repl. Vol.). In other words, as of March 10, 2003, the effective date of this Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual.

I understand that this Letter of Surrender is a **PUBLIC** document.

My decision to surrender my license to practice physical therapy in Maryland has been prompted by an investigation of my licensure by the Maryland Board of Physical Therapy (the "Board").

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The Board's investigation resulted in charges under the Act. Specifically, the Board charged me with the commission of prohibited acts under H.O. § 13-316. I was also charged with various violations of the regulations adopted by the Board.

The pertinent provisions of the Act provide as follows:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license, temporary license, or restricted license for the applicant, licensee, or holder or for another;**
- (5) In the case of an individual who is authorized to practice physical therapy under this title, is grossly negligent in the practice of physical therapy or in the direction of an individual who is authorized to practice limited physical therapy under this title;**
- (6) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;**
- (9) To an extent that impairs professional competence, habitually uses any:
 - (ii) Alcoholic beverage;****
- (11) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;**
- (12) Practices physical therapy or limited physical therapy with an unauthorized person or supervises or aids an unauthorized person in the practice of physical therapy or limited physical therapy;**
- (13) Willfully makes or files a false report or record in the practice of physical therapy or limited physical therapy;**

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- (15) Submits a false statement to collect a fee;
- (16) Violates any rule or regulation adopted by the Board;
- (20) Commits an act of unprofessional conduct in the practice of physical therapy;
- (21) Grossly overutilizes health care services;
- (24) Provides professional services while:
 - (i) Under the influence of alcohol; or
 - (ii) Using any narcotic or controlled dangerous substance, as defined in Article 27 of the Code, or other drug that is in excess of therapeutic amounts or without valid medical indication;
- (25) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board;
- (26) Fails to meet accepted standards in delivering physical therapy or limited physical therapy care.

The Board also charged me with a violation of its regulations under the Code

Md. Regs. tit. 10, § 38.03:

.02 Standards.

A. The physical therapist shall exercise sound and professional judgment in the use of evaluation and treatment procedures;

E. The physical therapist shall provide adequate treatment time and space and shall use only competent supportive personnel;

G. The physical therapist and the physical therapist assistant shall respect the patient's right to accurate information about the physical therapy services provided;

N. The physical therapist shall provide direct supervision of students, aides and any other unlicensed supportive personnel and licensed preceptees;

R. Each patient is entitled to adequate treatment time. A single physical therapist or physical therapist assistant may not treat more than an average of three patients per treatment hour per working day, excluding group therapy;

02-1 Requirements for Documentation.

A. As established by the American Physical Therapy Association of Maryland, and as approved by the Board, the physical therapist shall document the patient's chart as follows:

(1) For initial visit:

- (a) Date,
- (b) Condition/diagnosis for which physical therapy is being rendered,
- (c) Onset,
- (d) History, if not previously recorded,
- (e) Evaluation and results of tests (measurable and objective data),
- (f) Interpretation,
- (g) Goals,
- (h) Plan of care, and
- (i) Signature, title (PT), and license number;

(2) For subsequent visits:

- (a) Date,
- (b) Modalities, procedures, etc.,

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- (c) Cancellations, no-shows,
- (d) Response to treatment,
- (e) Signature and title (PT), with identifying signatures appearing on the patient's chart, although the flow chart may be initialed,
- (f) Weekly progress or lack of it,
- (g) Unusual incident/unusual response,
- (h) Change in plan of care,
- (i) Temporary discontinuation or interruption of services and reasons,
- (j) Reevaluation, and
- (k) If there is a physical therapist assistant, reevaluate and document as required by Regulation .02L of this chapter;

(3) For discharge or last visit

- (a) Date,
- (b) Reason for discharge,
- (c) Status at discharge,
- (d) Recommendations for follow-up, and
- (e) Signature and title.

The Board also charged me with a violation of its regulations under the Code Md.

Regs. tit. 10, § 38.04:

.02 Requirements.

A. Supervision.

- (1) The physical therapy aide shall be under the direct supervision of a licensed physical therapist when performing those physical therapy treatments that the aide is permitted to perform; and

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.04 Prohibited Activities.

B. Treatments other than those listed in Regulation .03 may not be performed by aides.

I affirm that I was served with a copy of the charging document, dated October 15, 2002, and have otherwise been advised on the Board's actions through communications with representatives of the Office of the Attorney General and my legal counsel.

I have decided to surrender my license to practice physical therapy in Maryland to avoid further prosecution of the aforementioned charges. The basis for the charges against me include the findings of the investigations described above, and by virtue of this Letter of Surrender, I waive any right to contest those charges and findings. I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender. **I understand that by executing this Letter of Surrender, I am waiving any right to contest these findings in a formal evidentiary hearing at 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, including the right to appeal.**

I hereby affirm that, as of March 10, 2003, ~~I will have permanently terminated any practice that I have in Maryland.~~ **I WILL HAVE PERMANENTLY TERMINATED MY RIGHT TO TREAT PATIENTS WITH PHYSICAL THERAPY IN MARYLAND.**

I acknowledge that, on or before the effective date of this Letter of Surrender, I shall present to the Board my Maryland physical therapy license, number 14444, including any renewal certificates, wall certificates and wallet-sized renewal cards. 

I understand that the Board will advise any national data bank that it is mandated to report to of this Letter of Surrender and, in any response to inquiry, that I have surrendered my license in lieu of disciplinary action under the Act as resolution of the matters pending against me. I also understand that, in the event I would apply for licensure in any form in any other state or jurisdiction, this Letter of Surrender, and all underlying documents, may be released or published by the Board to the same extent as a final order that would result from disciplinary action pursuant to Md. State Govt. Code Ann § 10-611, et seq., (1999 Repl. Vol.).

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I further recognize and agree that by agreeing to this Letter of Surrender, my license will remain surrendered until such time as I apply for reinstatement and comply with the terms and conditions set forth in this Letter and those determined by the case resolution conference and/or the Board subsequent to my application for reinstatement. In the event that I apply for reinstatement of my Maryland license or for the issuance of a new Maryland physical therapy license, I understand that the Board may set terms and conditions that shall apply to my receiving a reinstated physical therapy license or a new Maryland physical therapy license. I also understand that, if I apply for reinstatement or for a new Maryland physical therapy license, I bear the burden of demonstrating to the Board that I am competent to practice physical therapy and possess good moral character, as specified in Md. Health Occ. Code Ann. §§ 3-301, *et seq.* I understand that if I determine that I would like once again to practice physical therapy in Maryland, I will approach the Board in the same posture as one whose license has been revoked on the above charges.

I understand that, if I petition the Board for reinstatement of my license, the Board will review my case and determine my fitness to have my license reinstated. I understand that the Board can deny such application based solely on the allegations contained in the Charges dated October 15, 2002 and/or any findings of the investigation by the Board. I understand that the Board will only consider my petition for reinstatement if I have first met the following conditions:

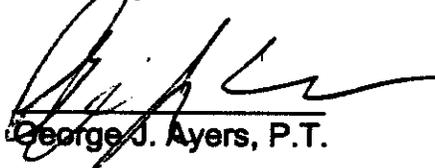
1. That five years have passed from effective date of this letter;
2. That I have completed all Continuing Education courses required;
3. That I have successfully completed a Board-pre-approved ethics course;
4. That I have successfully completed a Board-pre-approved course on documentation;
5. That I have attended Alcoholics Anonymous (AA) meetings at least four times a week and have remained sober;
6. That I have been subject to random urinalysis which results were negative for the presence of alcohol;
7. That I have attended individual psychotherapy sessions with my counselor until discharged by him.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have consulted with an attorney before signing this Letter of Surrender. I understand both the nature of the Board's actions and this Letter of Surrender fully. I acknowledge that I understand and

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comprehend the language, meaning and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

Sincerely,


George J. Ayers, P.T.

Read and approved:


Stephen R. Tully, Esquire
Attorney for the Respondent

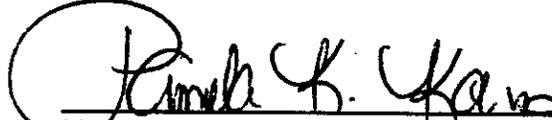
NOTARY

STATE OF Maryland
CITY/COUNTY OF Allegheny

I HEREBY CERTIFY that on this 11th day of February, 2003,
before me, John Ayers, a Notary Public of the State and City/Country
(Print Name)
aforesaid, personally appeared George J. Ayers, and declared and affirmed under the
penalties of perjury that signing the foregoing letter of surrender was his voluntary act and
deed.

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AS WITNESS my hand and notarial seal.



Notary Public

My Commission expires: May 1, 2006



PAMELA K. KORNS
Notary Public, State of Maryland
County of Allegany
My Commission Expires 5/1/06

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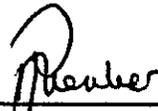
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ACCEPTANCE

ON BEHALF OF THE BOARD OF PHYSICAL THERAPY EXAMINERS, on this
4th day of March, 2003, I accept George J. Ayers' public letter of
surrender of his license to practice physical therapy in the State of Maryland.



Penelope D. Lescher, M.A., P.T., M.C.S.P. Chair
State Board of Physical Therapy Examiners

cc: Roberta Gill, Assistant Attorney General
Administrative Prosecutor
Paul Ballard, Assistant Attorney General
Board Counsel
Ann Tyminski, Executive Director
Board of Physical Therapy Examiners