

IN THE MATTER OF	*	BEFORE THE
CARRIE CARONELLO, P.T.	*	MARYLAND STATE
License No. 20202	*	BOARD OF PHYSICAL THERAPY
Respondent	*	EXAMINERS

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On or about July 20, 2006, the Maryland Board of Physical Therapy Examiners (the "Board") charged **CARRIE CARONELLO, P.T.** (the "Respondent"), License No. 20202 with violating certain provisions of the Maryland Physical Therapy Act ("the Act"), codified at Md. Health Occ. ("H.O.") Code Ann. §§ 13-101 *et seq.* (2000 Repl. Vol. and 2004 Supp.)

Specifically, the Board charged the Respondent with violating the following provisions of § 13-316 of the Act:

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:

- (4) In the case of an individual who is authorized to practice physical therapy is grossly negligent:
 - * * * *
 - (ii) In the direction of an individual who is authorized to practice limited physical therapy;
- (15) Violates any provision of this title or rule or regulation adopted by the Board; [and]

- (25) Fails to meet accepted standards in delivering physical therapy or limited physical therapy.

The Board charged the Respondent with violating the following regulations:

Code Md. Regs. ("COMAR") tit. 10 § 38.02.01, "Code of Ethics."

- F. The physical therapist and physical therapist assistant shall report to the Board of Physical Therapy Examiners all information that indicates a person is allegedly performing, or aiding or abetting, the illegal or unsafe practice of physical therapy.

BACKGROUND

On Tuesday August 29, 2006, the Respondent appeared before the Case Resolution Conference Committee (the "CRC") of the Board. As a result of the negotiations that occurred at the CRC, the Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law and Order, with the terms and conditions set forth below.

FINDINGS OF FACT

The Board finds the following:

1. At all times relevant to the charges herein, the Respondent was licensed to practice physical therapy in the State of Maryland being issued License Number 20202. The Respondent was originally licensed to practice physical therapy in the State of Maryland on May 9, 2001.
2. At all times relevant to the charges herein, the Respondent was practicing physical therapy at Hospital A¹, located in Waldorf, Maryland.

¹ The names of the hospital and individuals identified herein are confidential.

3. On or about May 12, 2005, the Board received a complaint from Physical Therapist A, a staff physical therapist with Hospital A in Waldorf, Maryland. Physical Therapist A alleged that Physical Therapy Assistant A, a physical therapy assistant employed with Hospital A, acted outside the scope of her practice of limited physical therapy in the treatment of a number of patients at Hospital A. Specifically, Physical Therapist A asserted that Physical Therapy Assistant A wrote a progress note to a physician containing inappropriate conclusions without consultation with a physical therapist, performed reevaluations on patients, failed to timely communicate with a physical therapist, kept patients on her schedule beyond the standard time frame, ordered braces and splints for patients without consultation with a physical therapist, interpreted measurements, made conclusive notes in patient progress notes, and discharged patients without a physical therapist consultation.
4. As part of its investigation, the Board's investigator interviewed Physical Therapist A, who was duly sworn, on July 5, 2005. Physical Therapist A informed the Board's investigator that she began working for Hospital A on October 20, 2004, and immediately became aware of problems with Physical Therapy Assistant A's treatment of patients. Physical Therapist A indicated that Physical Therapy Assistant A was performing reevaluations of patients, taking patient measurements, and keeping patients on her schedule for extended periods of time.
5. Physical Therapist A told the Board's investigator that the Respondent, the supervising physical therapist for Physical Therapy Assistant A, gave permission for Physical Therapy Assistant A to perform these functions.

6. Physical Therapist A further indicated that she witnessed Physical Therapy Assistant A record manual muscle information and complete reevaluations. According to Physical Therapist A, a medicare patient was seen fifty-seven (57) times, fifty-five (55) times by Physical Therapy Assistant A. Physical Therapist A informed the Board's investigator that the Respondent knew that Physical Therapist Assistant A was performing reevaluations and documenting treatment records inappropriately.
7. As part of its investigation, the Board's investigator interviewed Physical Therapist B, a physical therapy manager at Hospital A, who was duly sworn, on July 8, 2005. Physical Therapist B informed the Board's investigator that she was approached by staff physical therapists at Hospital A regarding the scope of practice issues regarding Physical Therapy Assistant A. Physical Therapist B reviewed treatment records and found examples where Physical Therapy Assistant A performed reevaluations, completed assessments, sent inappropriate notes to physicians, and drew conclusions regarding patients.
8. Physical Therapist B told the Board's investigator that she counseled Physical Therapy Assistant A regarding the fact that she was not allowed to complete range of motion measurements. Physical Therapist B further testified that she counseled Physical Therapy Assistant A on treating patients multiple times without a physical therapist intervention.

9. Physical Therapist B indicated that Physical Therapy Assistant A admitted performing reevaluations in the past, but stated that she was no longer performing the reevaluations.
10. As part of its investigation, the Board's investigator interviewed Physical Therapy Assistant A, who was duly sworn, on August 18, 2005. Physical Therapy Assistant A explained to the Board's investigator that she did not perform reevaluations of patients at Hospital A, but instead at the direction of the Respondent completed a performance test. According to Physical Therapy Assistant A, a performance test was comprised of taking measurements and looking at the goals and objectively determining whether the patient had met the goals. Physical Therapy Assistant A indicated that she never interpreted any of the data that she collected regarding patients. She also indicated that she did not discharge patients or order braces without first consulting with a physical therapist.
11. The Board's investigator interviewed the Respondent, who was duly sworn, on August 25, 2005. The Respondent explained to the Board's investigator that she was responsible for overseeing physical therapists, physical therapy assistants, and aides at Hospital A. She indicated that Physical Therapy Assistant A was adequate in her skills as a physical therapy assistant, and that she never saw her perform outside the scope of her practice.
12. The Respondent also indicated that she never told Physical Therapy Assistant A to perform reevaluations. The Respondent stated that she never had any therapists come to her with concerns about any physical therapy assistant acting outside the

scope of limited physical therapy. However, she informed the Board's investigator that issues were brought up at a meeting by several physical therapists regarding how reevaluations were completed at Hospital A.

13. The Board's investigator interviewed Physical Therapist C, who was duly sworn, on August 26, 2005. Physical Therapist C was a staff physical therapist at Hospital A. Physical Therapist C informed the Board's investigator that a meeting was held in April 2005 by the Respondent to address issues concerning Physical Therapy Assistant A. According to Physical Therapist C, Physical Therapy Assistant A was informed that she needed to address any issues or concerns with a physical therapist and she was not to complete reevaluations.
14. By subpoena dated June 16, 2005, the Board subpoenaed physical therapy treatment records of nine patients at Hospital A.
15. The physical therapy treatment records of three patients were referred to an expert witness in physical therapy. The Board's expert concluded, among other opinions, that Physical Therapy Assistant A did not document communication with a physical therapist concerning patients, provided reports to physicians without consultation with a physical therapist, documented reevaluations including documenting assessment/goal status, and updated goals without documentation of communication with a physical therapist. The Board's expert further noted that patients were seen for an extended period of time without a formal reevaluation completed by a physical therapist.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated Md. Health Occ. Code Ann. § 13-316(4), (15), and (25).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 19th day of September 2006, by a majority of the Board considering this case:

ORDERED that the Respondent's license to practice physical therapy in the State of Maryland shall be **REPRIMANDED**; and be it further

ORDERED that in the event that the Respondent returns to the practice of physical therapy in the State of Maryland, the Respondent shall be placed on **PROBATION**, to commence from the date of her return to the practice of physical therapy in the State of Maryland until such time that the Respondent complies with the following terms and conditions:

1. The Respondent shall notify the Board within two (2) weeks of her return to the practice of physical therapy in the State of Maryland;
2. The Respondent shall enroll in and successfully complete the Maryland Physical Therapy Law Course scheduled for the next available date after her return to the practice of physical therapy in the State of Maryland;
3. The Respondent shall pay a fine in the amount of five-hundred dollars (\$500.00) to the Board in the form of a certified check or money order within sixty (60) days of the execution of this Consent Order; and be it further

ORDERED that in the event that the Respondent returns to the practice of physical therapy in the State of Maryland and is subject to probation, the Respondent shall be released from probation upon the successful completion of the Maryland Physical Therapy

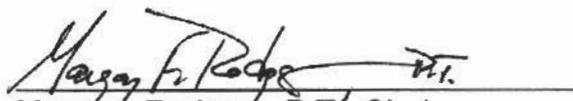
Law Course.

ORDERED the above course shall be in addition to any Continuing Education requirements mandated for continuing licensure, and the Continuing Education shall not count toward fulfilling other continuing education requirements that the Respondent must fulfill in order to renew his license to practice physical therapy; 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. (2004 Repl. Vol.).


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

CONSENT OF CARRIE CARONELLO, P.T.

I, Carrie Caronello, P.T., 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.

9-11-06
Date

Carrie Caronello
Carrie Caronello, P.T.

~~STATE OF MARYLAND~~
Hawaii

CITY/COUNTY OF Honolulu :

I HEREBY CERTIFY that on this 11 day of September, 06, before me, Alison Chase, a Notary Public of the foregoing State and (City/County),
(Print Name)
personally appeared Carrie Caronello, P.T., License Number 20202, and made oath in due

form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Alisha Chase
Notary Public

My Commission Expires: 5.14.2010

