

BEFORE THE ARKANSAS STATE BOARD OF PHYSICAL THERAPY
IN THE MATTER OF
JEREMY BERGMAN, PTA 2433

CONSENT ORDER

This Consent Order is entered by agreement between the Arkansas State Board of Physical Therapy ("the Board"), hereinafter referred to as the Board, and Jeremy Bergman, PTA license no. 2433, hereinafter referred to as Respondent. In lieu of a formal hearing on these issues and in the interest of a prompt and speedy resolution of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, the undersigned parties agree to entry of this Consent Order as an agreed disposition of the complaint leveled against Respondent in this matter. It is understood that this Consent Order is a resolution of disputed claims and is entered into for the purpose of avoiding costly and time consuming legal proceedings. The Respondent agrees to abide by the terms of this Consent Order, admits the following Findings of Fact, and does not contest the entry of the following Conclusions of Law and Order:

FINDINGS OF FACT

1. Jeremy Bergman is a licensed physical therapist assistant in the State of Arkansas.
2. On June 2, 2014, a complaint was received regarding an injury to a child patient treated by Jeremy Bergman, PTA.
3. On August 7, 2014 the Board requested a video of the above referenced treatment and watched the video on October 23, 2014. The Board requested that a pediatric physical therapist watch the video then discuss this with the Board.

4. From the video it appeared that Jeremy Bergman's treatment of the child patient injured the patient, was unprofessional and did not rise to the standard of care ordinarily used by a reasonably careful PTA.
5. Based on the aforesaid findings of fact, the Board found that protection of the public health, safety and welfare imperatively required emergency action with regard to the license of Jeremy Bergman, and it therefore ordered that Mr. Bergman's license be immediately suspended pursuant to the Administrative Procedures Act, Ark. Code Ann. §25-15-211(c), pending a formal proceeding and final adjudication of the matter.

CONCLUSIONS OF LAW

1. Based upon the above findings of fact, Jeremy Bergman violated Ark. Code Ann. § 17-93-308(a)(3) and Ark. Code Ann. § 17-93-308(a)(5).

ORDER

It is hereby ordered that:

1. The Respondent's license be removed from suspension and placed on probation for one year from the effective date of this order. During that one-year period Respondent must have direct eyes-on supervision for all clients who, because of age or disability, are unable to communicate distress in language. For all other clients, Respondent must have direct supervision by a physical therapist.
2. Respondent is required to complete ten hours of Board approved courses within one year from the effective date of this order. Courses shall consist of PT ethics and a review of PT techniques in pediatric therapy. The courses shall not count towards the continuing education requirements of one unit for license renewal. If

the Respondent fails to complete the courses within one year, his license shall be automatically suspended until completion of the courses.

3. Respondent shall report to the Board by attending a board meeting within the first six months of 2015.

Furthermore, Respondent understands that this Consent Order is not effective until its acceptance by the Board. Respondent consents to the ex parte presentation of the Consent Order to the Board. Should this Consent Order not be approved by the Board, Respondent agrees that the presentation and consideration of this Consent Order by the Board shall not constitute a basis for disqualification of the Board or any of its members from further participation in this matter, including a formal hearing.

Respondent acknowledges, and has exercised, his right to consult with counsel and voluntarily agrees to enter into this Consent Order on his own volition and without any reliance upon any representations by the Board or any representative thereof, other than those expressly set forth herein. Respondent hereby waives any further procedural steps including, without limitation, his right to a hearing and all rights to seek judicial review or to otherwise challenge or contest the validity or enforceability of this Consent Order.



Jeremy Bergman, Respondent

11-19-14
Date

Rob Hill, Chairman
Arkansas State Board of Physical Therapy

11/20/14
Date