

BEFORE THE ARKANSAS STATE BOARD OF PHYSICAL THERAPY

IN THE MATTER OF
MEGAN HAUSMAN, PT 3128

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 Megan Hausman, PT license no. 3128, 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 and does not contest either the following Findings of Fact or Conclusions of Law:

FINDINGS OF FACT

1. Respondent is a licensed physical therapist in the State of Arkansas.
2. Jeremy Bergman is a licensed physical therapist assistant in the State of Arkansas.
3. On June 2, 2014, a complaint was received regarding an injury to a child patient on May 7, 2014 as a result of treatment from Jeremy Bergman, PTA.
4. 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.

5. 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.
6. 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.
7. On November 19, 2014 Jeremy Bergman signed a consent order admitting his above referenced conduct violated Ark. Code Ann. § 17-93-308(a)(3) and Ark. Code Ann. § 17-93-308(a)(5).
8. At the time of the injury to the patient, Respondent was the supervising physical therapist of Jeremy Bergman.
9. Prior to Jeremy Bergman's treatment of the child patient that resulted in injury to the patient, Jeremy Bergman had previously reported to Respondent that the patient cried through most or all of some sessions, had "meltdowns," and refused to comply with his requests.
10. It is reasonably foreseeable that there is an appreciable risk of harm that can arise in a circumstance where a PTA is allowed, without adequate supervision from a PT, to continue to administer treatment to a child whom the PTA has repeatedly reported as crying throughout sessions, having meltdowns, and refusing to comply with his requests.

CONCLUSIONS OF LAW

1. Ark. Code Ann. § 17-93-102 (8)(A) provides in part:
“Supervision” means that the supervising therapist retains moral, ethical, and legal responsibility for patient care and is readily available for consultation.
2. Based on the findings of fact above, Respondent, in the judgment of the Board, 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. Respondent’s license be placed on probation for 365 days from the effective date of this order. During the first 90 days of that 365 day period, Respondent must formulate an action plan identifying steps she will take to improve the supervision she provides to PTAs under her supervision.
2. Respondent shall attend a meeting of the Board within 120 days from the effective date of this order and report to the Board her action plan for improved supervision of PTAs under her supervision. If the Respondent fails to formulate and present her action plan as required by this order within 120 days from the effective date of this order, her license shall be automatically suspended.

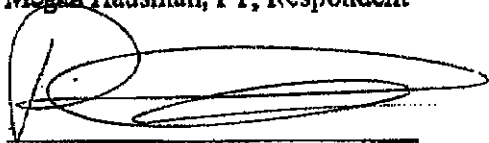
Respondent understands that this Consent Order is not effective until its acceptance by the Board. Respondent consents to the ex parte presentation of the Consent Order to the Board. Should this Consent Order not be approved by the Board, Respondent agrees that the presentation and consideration of this 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, her right to consult with counsel and voluntarily agrees to enter into this Consent Order on her 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, her 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.


Megan Hausman, PT, Respondent

4/16/15
Date


Rob Hill, Chairman
Arkansas State Board of Physical Therapy

4/27/15
Date