BEFORE THE INDIANA PHYSICAL THERAPY COMMITTEE
CAUSE NUMBER: 2012 PTC 0010

IN THE MATTER OF THE LICENSE OF)
)
PATRICIA A. MOWBRAY, P.T.A.)
)
LICENSE NO: 06002550A)

FILED
NOV 29 2012
Indiana Professional Licensing Agency

FINAL ORDER ACCEPTING PROPOSED SETTLEMENT AGREEMENT

The State of Indiana ("Petitioner"), by the Office of the Attorney General, by Deputy Attorney General Darren R. Covington and Patricia A. Mowbray, P.T.A. ("Respondent"), signed a Proposed Settlement Agreement ("Agreement") which purports to resolve all issues involved in the action by the Petitioner and the Indiana Physical Therapy Committee ("Committee") regarding the Respondent's license, and which Agreement has been submitted to the Committee for approval.

The Committee, after reviewing the Agreement at the November 7, 2012 meeting held in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, now finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable between the parties. The Committee hereby incorporates the Agreement, which is attached hereto and incorporated herein as Exhibit A, and approves and adopts in full the Agreement as a resolution of this matter. The Committee approved this Agreement by a vote of 4-0-0. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law and Order.

WHEREFORE, the Committee hereby accepts and approves the Agreement, settling all matters in this case consistent with the terms of the Agreement between the parties, and Respondent is hereby ORDERED to abide by all the terms of the Agreement.

SO ORDERED, this 29 day of November, 2012.

INDIANA PHYSICAL THERAPY COMMITTEE

By: _____

Frances L. Kelly
Executive Director
Indiana Professional ~~Licensing~~ Agency

CERTIFICATE OF SERVICE

I certify that a copy of the "final order accepting proposed settlement agreement" has been duly served upon:

Patricia Mowbray
1710 Vale Park Rd., Apt. 211
Valparaiso, IN 46383
Service by U.S. Mail

Darren R. Covington, Deputy Attorney General
Office of the Indiana Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204
Service by Email

11/30/12
Date

Tasha Coleman, Board Director

Indiana Physical Therapy Committee
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2051
Fax: 317-233-4236
Email: pla6@pla.in.gov

Explanation of Service Methods
Personal Service: by delivering a true copy of the aforesaid document(s) personally.
Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.
Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.

BEFORE THE INDIANA PHYSICAL THERAPY COMMITTEE
CAUSE NUMBER: 2012 PTC 0010

IN THE MATTER OF THE LICENSE OF	)	FILED
	)	NOV 07 2012
PATRICIA A. MOWBRAY, P.T.A.	)	Indiana Professional Licensing Agency
	)	
LICENSE NO: 06002550A (ACTIVE)	)	

PROPOSED SETTLEMENT AGREEMENT

The State of Indiana (Petitioner), by Darren R. Covington, Deputy Attorney General, and Patricia A. Mowbray, P.T.A. (Respondent), hereby execute this Agreement to a disposition of the Complaint filed in this cause. This Agreement is subject to the review and approval of the Indiana Physical Therapy Committee (Committee) pursuant to Ind. Code ch. 25-1-9 and the Administrative Orders and Procedures Act, Ind. Code art. 4-21.5.

STIPULATED FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 1360 Sandwood Court, Valparaiso, Indiana 46383. Respondent is also reported to reside at 1710 Vale Park Road, Apartment 211, Valparaiso, Indiana 46383. Respondent is a Physical Therapy Assistant in the State of Indiana having been issued license number 06002550A on December 10, 1999.

2. At all times relevant herein, Respondent was employed by Creative Health Solutions (CHS) and contracted to provide physical therapy services at Autumn Hills Health and Rehabilitation Center in DeMotte, Indiana.

3. While approving payroll, Respondent's regional manager, Daren Bootcheck (Bootcheck) had concerns about Respondent's time on June 8 and 10, 2011. Respondent

Exhibit "A"

is a lead therapist and is required to attend morning meetings, set therapy schedules and perform other lead duties. On June 8, 2011, Respondent billed for 500 minutes of treatment, but was only in the building for 545 minutes. On June 10, 2011, Respondent billed for 294 minutes of treatment time, but she was only in the building for 300 minutes. For both days, Respondent attended a morning meeting that lasted 45 to 60 minutes and she did not bill any group or concurrent treatment times.

4. On or around June 17, 2011, Natalie Scott, S.L.P., was asked to observe Respondent. From 10:15 a.m. until 4:15 p.m., Respondent was observed treating only one patient. Respondent billed for treatment for seven patients and 274 minutes of treatment time.

5. On or around June 28, 2011, Bootcheck visited Respondent's facility to observe her and noted that she billed for more patients and treatment times than she actually provided treatment for.

6. On or around July 1, 2011, Respondent's employment was terminated from CHS.

7. Since February 2012, Respondent has worked as a P.T.A. for TriCare. Respondent is currently contracted to work full-time at Lake County Rehabilitation.

STIPULATED CONCLUSIONS OF LAW

The parties further stipulate:

1. Respondent violated Ind. Code § 25-1-9-4a(1)(B) in that Respondent engaged in fraud or material deception in the course of professional services or activities as evidenced by Respondent billing for patient care that she did not provide.

AGREED DISPOSITION

It is now therefore agreed by the Respondent and Petitioner as follows:

1. The Committee has jurisdiction over the Respondent and the subject matter in this disciplinary action.

2. The parties execute this Agreement voluntarily.

3. Both parties voluntarily waive their rights to a public hearing on the Complaint.

4. Petitioner agrees that the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against the Respondent's Indiana physical therapy assistant license.

5. Respondent's license shall be placed on **INDEFINITE PROBATION.** Respondent may petition for withdrawal of probation after one (1) year from the date of the Order.

6. Respondent shall be governed by the following **TERMS** and **CONDITIONS** while on probation:

a. Respondent shall keep the Committee informed of the following:

i. Current residence, mailing address, email address, and residential telephone number;

ii. Place of employment, employment phone number, and name of supervisor; and,

b. Respondent shall present the Order to her employer and cause them to submit a signed copy acknowledging the Order back to the Committee ten days after receipt of the Order.

c. Respondent shall cause her supervising physical therapist to submit quarterly reports to the Committee indicating her professional competence, sense of responsibility, work habits, mental attitude, ability to work with others, and billing practices.

d. Respondent shall work under the onsite supervision of a physical therapist at least fifty (50) percent of each day that she works.

e. Within six (6) months of the Committee's Order, Respondent shall submit proof of completion to the Committee of three (3) hours of continuing education in both billing and ethics.

7. Prior to petitioning for withdrawal of probation, Respondent shall, pursuant to Ind. Code § 4-6-14-10(b), pay a fee of Five Dollars ($5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Indiana Office of the Attorney General
ATTN: Katherine Thorpe
302 W. Washington St., 5th Floor
Indianapolis, IN 46204

8. Prior to petitioning for withdrawal of probation, Respondent shall pay a **FINE** in the amount of **FIVE HUNDRED DOLLARS ($500.00)** payable to the Indiana Professional Licensing Agency.

9. The Respondent has carefully read and examined this Agreement and fully understands its terms and that, subject to a final order issued by the Committee, this Agreement is a final disposition of all matters and not subject to further review.

10. The Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of physical therapy, or any violation of the Agreement may result in the Petitioner requesting an emergency suspension of the Respondent's license, an Order to Show Cause as may be issued by the Committee, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of the Respondent's license.

11. The parties agree to the continuing jurisdiction of the Committee and that the discipline agreed to, terms of discipline, and licensure status will apply even if the Committee renews the Respondent's license at a later date.

Patricia A. Mowbray, P.T.A.
Respondent

11/7/12
Date

Darren R. Covington
Deputy Attorney General
Atty. No. 28511-16

11/7/12
Date