

BEFORE THE PHYSICAL THERAPIST LICENSING BOARD OF OREGON

In the Matter of the )  
Physical Therapist License of )  
KEN W. SMITH, PT, )  
License No. 0963 )  
Licensee. )

CONSENT ORDER  
Case No. PT-104-9/02

**FILE COPY**

WHEREAS, Ken W. Smith (licensee) is licensed by the Physical Therapist Licensing Board (Board) as a physical therapist having been issued License No. 0963; and

WHEREAS, the Board requested licensee to submit treatment records of a patient to assist the Board in conducting an investigation against another licensee in connection with the other licensee's earlier treatment of the patient, then conducted a review of licensee's records and is prepared to initiate disciplinary action pursuant to ORS 688.140(2)(d) alleging that the licensee (1) failed to prepare an adequate written record of the evaluation of a patient; (2) failed to prepare adequate written documentation of a treatment plan; and (3) failed to ensure that hand-written daily progress/treatment notes for a patient were legible, in violation of OAR 848-040-0000, OAR 848-040-0010, and OAR 848-040-0020; and

WHEREAS, the Board and the licensee are desirous of resolving these matters without further proceedings and by way of this Consent Order; and

WHEREAS, the licensee is aware of his right to a formal notice, to a hearing at which he may be represented by counsel, to cross-examine witnesses and present evidence in his own behalf and the right to appeal any adverse decision to the Court of Appeals; and

WHEREAS, the licensee voluntarily waives these rights:

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The licensee shall pay a civil penalty to the Board in the amount of \$5,000, with \$4,000 stayed.
2. The licensee is placed on probation for a period of six months with the following conditions:

- a. The licensee, at his own expense, shall complete the course "Documentation and Functional Outcomes: A Primer for Medicare and Managed Care" sponsored by the National Academy of Continuing Education;
- b. The licensee shall comply with all laws and rules applicable to physical therapy practice;
- c. The licensee shall cooperate with a random audit of his records of patients treated after the period of probation begins and conducted by Board staff during the period of probation;
- d. The licensee shall prepare complete documentation of patient evaluations and treatment plans that includes measurable treatment goals for all patients, regardless of the identity of the payment source;
- e. The licensee shall provide each member of his clinic staff with a copy of the physical therapy statutes and the Board's rules and have each one acknowledge to the Board in writing that they have read the statutes and rules;

3. Violation of the provisions of this Consent Order may, after notice and hearing, result in further disciplinary action by the Board, as authorized by law. This may include imposition of the portion of the civil penalty that has been stayed herein and may also include license revocation.

DATED this 9th day of May, 2003.

PHYSICAL THERAPIST LICENSING BOARD

**Signature On File**

CONSENT

I hereby certify that I have read and understand the Consent Order. I agree to the Board entering the Consent Order.

**Signature On File**

4-30-03  
Date

Ken W. Smith, PT  
Licensee