

Occupational Therapy, Physical Therapy and Athletic Trainers Board

Governor
Bob Taft

Executive Director
Jeffrey M. Rosa

Before the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

Physical Therapy Section

IN RE:

The eligibility of Paul Sung to retain
his license as a physical therapist in the
State of Ohio

Case No: 04-032 PT

Issue Date: December 22, 2004

NOTICE OF OPPORTUNITY FOR A HEARING

INTRODUCTION AND JURISDICTION

Section 4755.47(A) of the Ohio Revised Code authorizes the Board to refuse to grant a license to an applicant for an initial or renewed license as a physical therapist or physical therapist assistant or, by vote of at least five members, may suspend or revoke the license of a physical therapist or physical therapist assistant or reprimand or place a license holder on probation, on any of the following grounds:

(5) Subject to section 4755.471 of the Revised Code, violation of the code of ethics of the American Physical Therapy Association;

(6) Violation of section 4755.40 to 4755.56 of the Revised Code, or any order issued or rule adopted under those sections;

In accordance with Chapter 119 and section 4755.47 of the Ohio Revised Code, you are hereby notified that the Physical Therapy Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (hereinafter, "Board") intends to determine whether or not to suspend or revoke your physical therapist license, or reprimand or place you on probation for one or more of the following reason(s):

COUNT 1

On or about May 5, 2004 through June 28, 2004, you were the supervising physical therapist at The Get Well Center. Upon terminating your employment, you failed to transfer the care of your patients to another physical therapist. Said conduct constitutes a violation of the Principle 2.1 E. of the American Physical Therapy Association Standards of Ethical Conduct for the Physical Therapist.

The American Physical Therapy Association Standards of Ethical Conduct for the Physical Therapist states:

2.1 Patient/Physical Therapist Relationship

E. In the event the physical therapist or patient terminates the physical therapist/patient relationship while the patient continues to need physical therapy services, the physical therapist should take steps to transfer the care of the patient to another provider.

COUNT 2

On or about May 5, 2004 through June 28, 2004, while acting as the supervising physical therapist you did not ensure appropriate documentation of physical therapy services in that you failed to countersign the written reports by the physical therapist assistant under your supervision. Said conduct constitutes a violation of Ohio Administrative Code rule 4755-27-02.

Rule 4755-27-02 of the Ohio Administrative Code states in part:

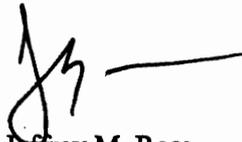
Appropriate documentation is integral to all facets of physical therapy care. Reports written by the physical therapist assistant for inclusion in the patient's record shall be countersigned by the supervising physical therapist. The countersignature shall indicate that the written note has been reviewed by the supervising physical therapist, and that the supervising physical therapist agrees with the patient information in the written note. A handwritten signature or an electronic signature is acceptable whenever a physical therapist or a physical therapist assistant signs their name.

HEARING PROCEDURES

Pursuant to section 119.07 of the Ohio Revised Code, you have the right to request a hearing on these charges, if your written request for a hearing is received by the Board office within thirty (30) days of the mailing of this Notice. Further, you are advised that you are entitled to appear at such hearing in person, or by an attorney, or by such other representative who is permitted to practice before the agency. At the hearing, you may present evidence and examine witnesses appearing for or against you. Also, In lieu of personally appearing, you may present your positions, arguments or contentions in writing.

If you do not timely request such a hearing, the Board, upon consideration of the charges cited, may, in your absence, take such disciplinary action it deems appropriate. This action may include, but is not limited to, suspension or revocation of your license.

By Order of the Occupational Therapy, Physical Therapy, and Athletic Trainers Board
Physical Therapy Section



Jeffrey M. Rosa
Executive Director

cc: Steven McGann, Assistant Attorney General

**Before the Ohio
Occupational Therapy, Physical Therapy, and Athletic Trainers Board**

Physical Therapy Section

IN RE:

The eligibility of Paul Sung to retain his license as a Physical Therapist in the State of Ohio

Case No: 04-032 PT

CONSENT AGREEMENT

This Consent Agreement ("Agreement") is entered into by and between PAUL SUNG, ("Sung") and the OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD, PHYSICAL THERAPY SECTION ("Board").

The Board is a state agency, charged with enforcing relevant provisions of Ohio Revised Code Chapter 4755. Sung hereby enters into this agreement being fully informed of his rights, including those under Chapter 4755 and Chapter 119, Ohio Revised Code, including the right to representation by counsel and an adjudication hearing.

In consideration of the forgoing and mutual promises hereinafter set forth, Sung and the Board hereby agree as follows:

JURISDICTION AND PREDICATE FACTS

1. The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Physical Therapy Section, is empowered by section 4755.47 of the Ohio Revised Code to refuse to grant a license to an applicant for an initial or renewed license as a physical therapist or physical therapist assistant or, by vote of at least five members, may suspend or revoke the license of a physical therapist or physical therapist assistant or reprimand or place a license holder on probation, on any of the following grounds:
 - (5) Subject to section 4755.471 of the Revised Code, violation of the code of ethics of the American Physical Therapy Association;
 - (6) Violation of section 4755.40 to 4755.56 of the Revised Code, or any order issued or rule adopted under those sections;
2. Sung currently holds a license to practice as a physical therapist in the State of Ohio, and is subject to all laws and rules of Ohio regulating the practice of physical therapy.
3. Sung has been licensed as a physical therapist in the State of Ohio since May 4, 2004.

4. On or about May 5, 2004 through June 28, 2004, Sung was the supervising physical therapist at The Get Well Center. Upon terminating his employment, Sung failed to transfer the care of his patients to another physical therapist. Said conduct constitutes a violation of the Principle 2.1 E. of The America Physical Therapy Association Standards of Ethical Conduct for Physical Therapist.
5. On or about May 5, 2004 through June 28, 2004, while acting as the supervising physical therapist Sung did not ensure appropriate documentation of physical therapy services in that he failed to countersign the written reports by the physical therapist assistant under his supervision. Said conduct constitutes a violation of Ohio Administrative Code 4755-27-02.

ADMISSIONS

1. Sung hereby admits and acknowledges that he has received proper notice of his right to a formal hearing pursuant to Ohio Revised Code Chapter 119.
2. Sung hereby knowingly waives all rights to a formal hearing in this matter, and agrees that this Consent Agreement shall have the full force and effect of an Order duly entered in accordance with those procedures set forth in Ohio Revised Code Chapter 119 and Chapter 4755 relating to administrative proceedings.
3. Sung admits that the facts as set forth above are true and accurate and expressly waives all rights to challenge said facts.
4. Sung admits that the facts set forth above constitute a violation of Ohio law thereby subjecting him to disciplinary action by the Board pursuant to section 4755.47 of the Ohio Revised Code.

TERMS

WHEREFORE, in consideration of the foregoing, and in lieu of any further disciplinary action, Sung and the Board, knowingly and voluntarily agree to the following terms:

1. Upon ratification of this consent agreement Sung's license to practice as a physical therapist in the State of Ohio shall be immediately suspended for a period of sixty (60) days. Said period of suspension is hereby stayed.
2. Sung shall complete a patient/medical documentation continuing education course. The course must be completed within 75 days of the effective date of this agreement, and documentation of completion must be submitted within 90 days of the effective date of this agreement.

If Sung does not complete the required continuing education course within

the specified timeframe outlined above, the Board will impose the 60 day suspension previously stayed.

3. Sung agrees to abide by all federal, state, and local laws, and all laws and rules governing the practice of physical therapy in the State of Ohio.
4. Failure to abide by the terms of this agreement shall constitute an actionable violation in and of itself without further proof and may subject Sung to any and all disciplinary remedies to the Physical Therapy Section including, but not limited to, revocation.
5. Sung hereby releases the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, its members, employees, agents and officers jointly and severally from any and all liability from the within matter.
6. All parties to this agreement understand that this document is a public record pursuant to Ohio Revised Code section 149.43.
7. All parties to this agreement understand that this information will be sent to the Federal Department of Health and Human Services' Healthcare Integrity and Protection Data Bank (HIPDB), pursuant to 42 U.S.C. §1320a-7e(b), 5 U.S.C. §5525a, and 45 C.F.R. pt. 61
8. By his signature on this consent agreement, Sung agrees that in the event the Board, in its discretion, does not approve this consent agreement, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. Sung agrees that should the Board reject this consent agreement and if this case proceeds to hearing, he will assert no claim that the Board was prejudiced by its review and discussion of this consent agreement or of any information relating thereto.
9. By adopting and executing this consent agreement, the Board hereby acknowledges that this consent agreement is a full and final settlement of the within matter and agrees that it will not pursue further action against Sung resulting from the aforementioned conduct.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

I, Paul Sung, have carefully read the above agreement and enter into it freely and voluntarily with full knowledge of its force and effect, and full knowledge of my rights under Ohio law. By executing this agreement, I recognize that if, in the discretion of the Board it appears that I have breached any terms or conditions of this consent agreement, the Board may initiate formal disciplinary proceedings which may be based solely upon a breach of the consent agreement. If the Board finds a breach of this consent agreement, it may impose any disciplinary remedy available under Ohio law.

The terms and conditions of this agreement shall not become effective until approved by the Board and executed pursuant to its' approval.

Paul Sung
PAUL SUNG

3-7-05

DATE

Robert C. Angell

ROBERT C. ANGELL
Counsel to Paul Sung

3/11/2005

DATE

Jeffrey M. Rosa
JEFFREY M. ROSA
Executive Director

5-5-05

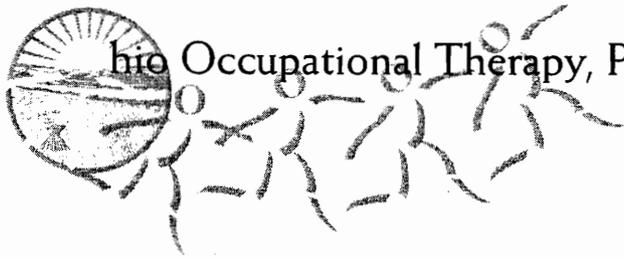
DATE

Steven McGann

STEVEN MCGANN
Assistant Attorney General

5/5/2005

DATE



Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board

Governor
Bob Taft

Executive Director
Jeffrey M. Rosa

June 17, 2005

Paul Sung, PT10812
1757 Hunters Point
West Lake, OH 44145

RE: Consent Agreement

Dear Mr. Sung:

This letter is to inform you that the **Physical Therapy Section** of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board has released you from your consent agreement. After reviewing your file at the June 10, 2005 Physical Therapy Section Investigative meeting, it was determined that you have fulfilled all of the obligations listed in your consent agreement. I am pleased to inform you that your license is now without restrictions. Please be aware that a record of this disciplinary action will be part of your permanent record.

Your cooperation with the Board and our staff is appreciated. With your continuing cooperation and support, we can ensure the best possible service delivery for individuals receiving physical therapy in the State of Ohio.

Sincerely,

OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND
ATHLETIC TRAINERS BOARD - **Physical Therapy Section**

Lisa S. Foor, M.S.A.
Enforcement Division Supervisor

~~cc:~~ Licensure File
Robert C. Angell, Esq.