

**PHYSICAL THERAPY GOVERNING BOARD  
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION  
ALLIED HEALTH PROFESSIONALS  
Philbrook Building, 121 South Fruit Street  
Concord, New Hampshire 03301**

**In The Matter Of:**

**Docket #10-2015**

**Meghan R. Johnson  
(Application for Licensure Reinstatement)**

**DECISION AND ORDER**

**By the Board:** Lea Bruch, Public Member, Presiding Officer, Nicole Lavoie, PT, Joseph Shanley, PTA, Gillian Cavezzali, PT and Martha Aguiar, Public Member

**Also present:** Tina M. Kelley, Administrator to the Board,

**Appearances:** None

On September 16, 2015, the New Hampshire Physical Therapy Governing Board (“Board”) voted to DENY a request of Meghan R. Johnson (“Ms. Johnson” or “Applicant”) reinstatement of her license. Ms. Johnson petitioned the Board for a hearing on October 1, 2015 and the Board issued a “Notice of Hearing, Order to Show Cause” on October 21, 2015.

On October 1, 2015, the hearing was held in accordance with RSA 328-F: 23 and 328-F:24; Aph 200 and Phy 200. Ms. Johnson appeared before the Board *pro se*.

**Background Information**

On December 19, 2014 Ms. Johnson submitted an “Application for Reinstatement of Licensure or Certification”. On the application Ms. Johnson marked “Yes” to the question has any malpractice claim been made against your? Ms. Johnson marked “No” to the following questions:

1. Do you have any reason to believe that you will soon be the subject of a disciplinary proceeding, settlement agreement or consent decree undertaken or issued by a professional licensing board of any state or jurisdiction?

2. Have you, for disciplinary reasons, been put on administrative leave or had any privileges limited, suspended or revoked from any of the following settings: hospital, healthcare institution or setting, home health care agency or educational institution?

Ms. Johnson certified that all the information provided in the application was complete and accurate to the best of her knowledge and belief when she signed the application.

On December 19, 2014 the Board received the “Physical Therapist Work History Form”. This form indicated that Ms. Johnson was employed at “Premier PT & Sports Medicine” from January 10, 2011 until July 1, 2014.

On December 19, 2014 the Board received a statement of non-practice from Ms. Johnson. Ms. Johnson wrote on this statement that “Have not practiced since July 2014 secondary to moving for my husband’s job and just gave birth in October to a baby girl...& is also reason for delayed application for licensure”.

On December 9, 2015 the Board received a letter signed by Ms. Johnson explaining the “Yes” answer to “Has any malpractice claim been made against you?”.

On January 9, 2015 Ms. Johnson had the Physical Therapy Board of California provide a letter of verification of licensure. The letter stated under the section “Disciplinary Actions” that “No information is available from this agency”.

On June 12, 2015 Ms. Johnson provided the Board with a letter in which she states “In my application I documented an incident with a patient while practicing in California. “An ‘accusation’ surrounding documentation of that incident was since brought to my attention.” Ms. Johnson explained the clinic’s transition from paper to electronic records and that there had been internet/wireless problems that resulted in lost documentation that had to be recall and redone hours later. Included with this letter were 13 letters of support.

On June 18, 2015 the Board sent Ms. Johnson a letter requesting she submit all relevant documents surrounding the voluntary surrender of her license including all orders issued by the California Board.

On July 6, 2015 the Board received a letter from Ms. Johnson submitting the “Stipulated Surrender of License and Disciplinary Order”. In the letter Ms. Johnson states “I am now submitting additional information from California that was requested in order to make a decision.

This is the only information and documentation that has been provided to me and have been told the ‘accusation’ that was served is now public record in California. The “Stipulated Surrender of License and Disciplinary Order” that was provided by Ms. Johnson states that if Ms. Johnson ever reapplies for licensure that all of the charges and allegations contained in Accusation No. 1D201475539 shall be deemed to be true, correct and fully admitted. Ms. Johnson provided the Board with a cover letter and page 1 and 4 of the document.

On July 16, 2015 the Board sent Ms. Johnson a letter requesting that she provide information as to why she did not mark yes to any of the following:

1. Have you been the subject of any disciplinary action by any professional licensing authority?
2. Do you have any reason to believe that you will soon be the subject of a disciplinary proceeding, settlement agreement or consent decree undertaken or issued by a professional licensing board of any state or jurisdiction?
3. Have you, for disciplinary reasons, been put on administrative leave or had any privileges limited, suspended or revoked from any of the following settings: hospital, healthcare institution or setting, home health care agency or educational institution?

On July 20, 2015 Ms. Johnson sent a letter stating “If you note the date on my initial application and signature was prior to all of these questions.” Ms. Johnson further states that she “received the accusation from the PTBCA in April 2015 and I sent notice to you in June as soon as we had come to a compromise to settle the accusation.”

On August 28, 2015 the Board’s administrator went to the Physical Therapy Board of California’s web site, [www.ptbc.ca.gov](http://www.ptbc.ca.gov) and retrieved two documents. The first document titled “Case No. 1D 2014 75539 Accusation” dated April 21, 2015 a total of 8 pages and the second titled “Decision and Order – Stipulated Surrender of License And Disciplinary Order” dated June 25, 2015 a total of 14 pages.

In the document titled “Accusation”, page 6, beginning on line number 11 it states “Respondent provided a written statement to the Board dated September 15, 2014 in which she reported,...”.

An adjudicatory hearing commenced on November 18, 2015, the specific issues to be determined included:

- A. Whether or not and to what extent Ms. Johnson knowingly or negligently submitted false and/or misleading application for reinstatement and supporting documents. Which if proven would be a violation of RSA 328-F:22(a) and (j), Phy 405.01(a), (d), and (k), APTA Code of Ethics for Physical Therapist, Principal 4A. and 5A.
- B. Whether or not and to what extent the California “Stipulated Surrender of License and Disciplinary Order” signed by Ms. Johnson on June 25, 2015 would be a violation of RSA 328-F:22(e), (g) and (j), and Phy 405.01(f), (g) and (k).
- C. Whether or not and to what extent Ms. Johnson has not demonstrated to the Board “sufficient evidence of good professional character and reliability” as required by RSA 328-A:5, I(a); and
- G. If any of the above allegations are proven, whether or not Ms. Johnson should be granted a license to practice as a Physical Therapist in the State of New Hampshire and what, if any, conditions should be placed on that license.

At the hearing the Board reviewed numerous exhibits. The following exhibits included with the “Notice of Hearing, Order to Show Cause” issued on October 21, 2015 were entered into evidence:

**Board Exhibits:**

Exhibit #1 – Application for Reinstatement of Licensure or Certification

Exhibit #2 – Physical Therapist Work History Form

Exhibit #3 – A signed statement from Ms. Johnson regarding false statement on the application and non-practice disclosure

Exhibit #4 – A signed statement from Ms. Johnson regarding the California incident

Exhibit #5 – Physical Therapy Board of California Letter of Good Standing

Exhibit #6 – Letter from Ms. Johnson explaining her voluntary surrender of licensure in the State of California

Exhibit #7 – A letter to Ms. Johnson from the Board dated June 18, 2015

Exhibit #8 – A letter from Ms. Johnson to the Board dated June 30, 2015

Exhibit #9 – The June 25, 2015 California Order provided by Ms. Johnson.

Exhibit #10 – A letter from the Board to Ms. Johnson dated July 16, 2015

Exhibit #11 – A letter from Ms. Johnson to the Board dated July 20, 2015

Exhibit #12 – The California Complaint Accusation obtain from the California Board’s web site

Exhibit #13 – The California Board’s Decision and Order dated July 20, 2015 obtained from the California’s web site

The following exhibits submitted by Meghan Johnson on November 12, 2015

Exhibit A – California Election of Consent to Settle Professional Liability Case

Exhibit B – NH Application for Reinstatement of Licensure and Certification and supporting documents

Exhibit C – Physical Therapy Board of California Letter of Good Standing

Exhibit D – California criminal background check dated May 26, 2015

Exhibit E – A letter from Ms. Johnson to the Board dated June 12, 2015

Exhibit F – Wolfeboro NH criminal background check and 11 letters of reference

Exhibit G – Letter from California Department of Justice to Ms. Johnson dated June 18, 2015

Exhibit H – A letter from the Board to Ms. Johnson dated June 18, 2015

Exhibit I – An e-mail from Catherine Santillan, Senior Legal Analyst in California to Ms. Johnson dated June 24, 2015

Exhibit J – A letter to the Board from Ms. Johnson dated June 30, 2015

Exhibit K – A letter from the Board to Ms. Johnson dated July 16, 2015

Exhibit L – A letter to the Board from Ms. Johnson dated July 20, 2015

Exhibit M – E-mail string between Meghan Johnson and Beverly Morgan

Exhibit N – California Decision and Order dated July 20, 2015

Exhibit O – New Hampshire Order on Application Denial

At the hearing Ms. Johnson presented her case first. No witnesses were called. Ms.

Johnson testified on her own behalf.

**Meghan R. Johnson**  testified to her move to California and how she obtained the job that led to her being voluntary of surrender of license in the State of California and to the structure of her position. The owner of the business restructured at approximately the same time and did

not provide her with the auxiliary support she needed to do her job effectively. As a result of this restructure she did not have time to do proper documentation. She did speak up but did not demand that she be provided the support to perform all aspects of her job properly. She described the setting and that she could see all her patients from where ever she was positioned in the room. She further described why she signed the voluntary surrender and did not go to hearing. This was due to her move to New Hampshire and had no plan to ever practice in the State of California. Ms. Johnson then went through the time line of the submission of documents for licensure in the State of New Hampshire, specifically her knowledge of the malpractice claim and her Voluntary Surrender and the paperwork provided by the State of California. She explained her lack of understanding that when signing the California Voluntary Surrender that she would be admitting to all facts. In addition, she stated she submitted documents and did not intentionally omit pages from the documentation.

**Applicable Laws:**

**Relevant Law:**

RSA 328-F:22:

Misconduct sufficient to support disciplinary proceedings shall include:

- (a) Knowingly or negligently providing inaccurate material information to the board or failing to provide complete and truthful material information upon inquiry by the board, including during the process of applying for license, license renewal, and license reinstatement.  
.....
- (e) Failure to provide care with reasonable skill, safety and regard for client or patient rights, whether or not the client or patient has suffered injury.  
.....
- (g) Disciplinary action by a regulatory authority in another domestic or foreign jurisdiction.  
.....
- (j) Violation of any provision of this chapter, or any governing board's practice act or rule adopted pursuant to RSA 541-A, or any state or federal law reasonably related to the licensee's authority to practice or ability to practice safely.

RSA 328-A:5, I:

An applicant for license as a physical therapist who has been educated in the United States shall:

- (a) Be of good moral character.

Phy 405.01:

Misconduct shall be:

- (a) Knowingly or negligently providing inaccurate material information to the board or failing to provide complete and truthful material information upon inquiry by the board, including during the process of applying for a license, license renewal, or license reinstatement;
- .....
- (d) Violation of Phy 500;
- .....
- (f) Failure to provide care with reasonable skill, safety and regard for client rights, whether or not the client has suffered injury;
- (g) Disciplinary action by a regulatory authority in another domestic or foreign jurisdiction;
- .....
- (k) Violation of:
  - (1) Any provision of RSA 328-F;
  - (2) Any provision of RSA 328-A;
  - (3) Any rule adopted by the board; or
  - (4) Any state or federal law reasonably related to the licensee's authority to practice or the licensee's ability to practice safely.

APTA Code of Ethics for Physical Therapist, Principle 5A.

“Principle 4A. Physical therapists shall provide truthful, accurate, and relevant information and shall not make misleading representations.”

“Principle 5A. Physical therapists shall comply with applicable local, state, and federal laws and regulations.”

**Findings of Fact and Rulings of Law:**

RSA 328-A:5 Eligibility for Licensure states in part “I. An applicant for a license as a physical therapist who has been educated in the United States shall: (a) Be of good moral character, RSA 328-F and the board's rules.” In considering whether or not an individual will conscientiously avoid professional misconduct the Board reviews and takes into consideration whether or not an individuals has violated the State of New Hampshire's laws and rules. The Board does not rely solely on misconduct described in RSA 328-F:23, II as the basis for denying an individual a license to practice but does consider those violations a relevant basis when cited in conjunction with RSA 328-A:5, I.(a).

In light of the evidence and Ms. Johnson's testimony the Board made the following findings of fact and rulings of law:

- Ms. Johnson submitted a false and/or misleading application for licensure by placing an "X" under "No" for the questions "Do you have any reason to believe that you will soon be the subject of a disciplinary proceeding, settlement agreement or consent decree undertaken or issued by a professional licensing board of any state or jurisdiction" and "Have you, for disciplinary reasons, been put on administrative leave or had any privileges limited, suspended or revoked from any of the following settings: hospital, healthcare institution or setting, home health care agency or educational institution?" Ms. Johnson did have disciplinary charges filed against her license which she was aware of by at least September 15, 2014 as evidenced by the document titled "Case No, 1D201475539 Accusation" which states that she provided the California with a written statement which was dated September 15, 2014. Ms. Johnson failed to disclose this information to the Board on the application for licensure in violation of RSA 328-F:22(a) and (j), Phy 405.01(a), (d), and (k), and APTA Code of Ethics for Physical Therapist, Principal 4A. and 5A.
- Ms. Johnson signed the California "Stipulated Surrender of License and Disciplinary Order" on June 25, 2015. The stipulated surrender states that "If Respondent ever files an application for licensure or a petition for reinstatement with the Physical Therapy Board of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations, and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in "Accusation No. 1D2014 75539" shall be deemed to be true, correct and fully admitted by the Respondent for the purpose of any Accusation or any other proceeding seeking to deny or restrict licensure." By her signature on the Stipulated Surrender Ms. Johnson fully admits to the allegations that in the "Accusation Case No. 1D 2014 75539" specifically that she failed to determine the cause of the patient's burn, failed to immediately inform S.W.s referring physician about the burn, that she was grossly negligent by failing to properly document her care and treatment of Patient S.W., and that she was inconsistent in her

description of the burn. By signing the “Decision and Order – Stipulated Surrender of License and Disciplinary Order” Ms. Johnson fully admits to all allegations which if occurred in New Hampshire would be a violation of RSA 328-F:22(e) and (j) and Phy 405.01(f) and (k).

- Ms. Johnson provided false and/or misleading information to the Board when she submitted a letter to the Board, referring to the California Stipulated Surrender of License and Disciplinary Order, which was received on June 17, 2015 in which she writes that “.....While this certainly does negatively affect my reputation and integrity as a therapist, it was in no way an acknowledgement of guilt.” Based on the Stipulated Surrender of License and Disciplinary Order which states “Respondent admits the truth of each and every charge and allegation in the Accusation No. 1D201475539....” the Board finds that the submission of this letter in violation of RSA 328-F:22(a) and (j), Phy 405.01(a), (d), and (k), and APTA Code of Ethics for Physical Therapist, Principal 4A. and 5A.
- On July 6, 2015 Ms. Johnson submitted a letter stating that “I am now submitting additional information from California that was requested in order to make a decision. This is the only information and documentation that has been provided to me and have been told the “accusation” that was served is now public record for California.” Ms. Johnson provided the Board with a 3 page document titled “Stipulated Surrender of License and Disciplinary Order consisting of a cover page and pages labeled 1 and a page labeled 4. Evidenced by the information posted on the Physical Therapy Board of California’s web site Ms. Johnson failed to submitted complete documentation issued by the California Board. Even though Ms. Johnson states that she did not intentionally submit partial documents the Board finds that she did not exercise due diligence to ensure that the Board received a complete document in violation of RSA 328-F:22(a) and (j), Phy 405.01(a), (d), and (k), and APTA Code of Ethics for Physical Therapist, Principal 4A. and 5A.

- The Board finds that Ms. Johnson signed the California “Decision and Order, Stipulated Surrender of License and Disciplinary Order” which is subject to disciplinary action under RSA 328-F:23(g) and (j) and Phy 405.01(g) and (k).

Based upon the findings of fact and rulings of law the Board finds sufficient evidence that Ms. Johnson was in violation of the laws and rules of the State of New Hampshire. After considering all the evidence and taking into account Ms. Johnson’s testimony the Board rules as follows:

THEREFORE IT IS ORDERED, that Ms. Johnson be issued a Conditional License after the successful completion of the following:

1. Taking and passing a Physical Agent Modalities course of at least 20 hours in duration which includes a hot pack component and is pre-approved by the Board.
2. Successful completion of a defensible documentation course at least 5 hours in duration which is pre-approved by the Board.
3. Take and pass the on-line Jurisprudence Examination administered by the Federation of State Boards of Physical Therapy.
4. Submission of a Supervision Form signed by a New Hampshire license Physical Therapist who meets the requirements set forth in Phy 307.03.

IT IS FURTHER ORDERED, that pursuant to Phy 307 once Ms. Johnson is issued a Conditional License the following conditions shall apply:

- a. Ms. Johnson shall be supervised for at least 6 months for no less than 480 hours during that 6 month period;
- b. During the first 3 months for no less than 240 hours Ms. Johnson shall be supervised in accordance with Phy 404.04(b)(1);
- c. During the second 3 months for no less than 240 hours Ms. Johnson shall be supervised for 50% of the time under Direct Supervision (Phy 302.05) and for 50% of the time under General Supervision (Phy 302.08).
- d. If Ms. Johnson’s supervisor should change at any time during the supervisory period Ms. Johnson shall submit a new supervision form within 10 days of that change.

IT IS FURTHER ORDERED, that before beginning supervision Ms. Johnson will have a face to face discussion with her supervisor about the supervision of a conditional licensee. The skills to be determined are described in Phy 307.11. This meeting shall be documented and a letter with the date of the meeting and a general description of the discussion shall be submitted to the Board within 10 days of the date of the meeting.

IT IS FURTHER ORDERED, that within 15 days of the end of the supervisory period (6 months) Ms. Johnson's supervisor will submit a supervisory approval letter as described in Phy 307.07.

IT IS FURTHER ORDERED, Ms. Johnson will work under supervision until the Board issues her a full unrestricted license, the conditional license expires, or the Board denies her request for full unrestricted license.

IT IS FURTHER ORDERED that Ms. Johnson shall bear all costs of complying with the terms of this Decision and Order, but she shall be permitted to share such costs with third parties.

IT IS FURTHER ORDERED that the Board may consider Ms. Johnson's compliance with the terms and conditions herein in any subsequent proceeding before the Board.

IT IS FURTHER ORDERED, that within fifteen (15) days of the effective date of this Decision and Order Ms. Johnson shall furnish a copy of this Decision and Order to any current employer for whom she performs services as a Physical Therapist and to any agency or authority which licenses, certifies or credentials Physical Therapists, with which Ms. Johnson is presently affiliated.

IT IS FURTHER ORDERED, that Ms. Johnson furnish a copy of this Decision and Order to any employer for whom she performs services as a Physical Therapist and/or agency, or authority with which Ms. Johnson is affiliated which licenses, certifies or credentials Physical Therapists for one year from the effective date of this Decision and Order.

IT IS FURTHER ORDERED that Ms. Johnson's breach of any terms and conditions of this Decision and Order shall constitute unprofessional conduct pursuant to RSA 328-F:23, II.

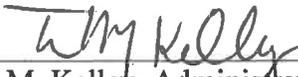
IT IS FURTHER ORDERED that this Decision and Order shall become a permanent part of Ms. Johnson's file, which is maintained by the Board as a public document.

*Physical Therapy Governing Board  
In the Matter of Meghan R. Johnson  
Decision and Order*

IT IS FURTHER ORDERED that this Decision and Order shall take effect as a final Order of the Board on the date it is signed by an authorized representative of the Board.

BY ORDER OF THE BOARD

Date: December 16, 2015

  
\_\_\_\_\_  
Tina M. Kelley, Administrator  
Authorized Representative of the  
Physical Therapy Governing Board