

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
PHYSICAL THERAPISTS**

IN RE:

PETER G. KRAMER

License No: 040-0000812

Docket No.: PT 01-0804

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Peter G. Kramer, who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Physical Therapists has jurisdiction to investigate and adjudicate allegations of unprofessional conduct pursuant to 3 V.S.A. §§122, 129 and 129a; Title 26, Chapter 38 of the Vermont Statutes Annotated; the Administrative Rules for Physical Therapists; and the Office of Professional Regulation's Rules.

Statement of Facts

2. The Respondent, Peter George Kramer, is licensed in the State of Vermont as a Physical Therapist under license number 040-0000812, which is currently set to expire on September 30, 2006.

3. At all times relevant, the Respondent was the Director of the Rehabilitation Department at Copley Hospital located in Morrisville, Vermont.

4. On November 18, 2004, the Respondent sent to the Office of Professional Regulation information regarding the training that unlicensed assistive aides received upon hiring with respect to the use of modalities. The documentation sent by the Respondent consisted of the manual used during the in-service training on ultrasounds and competency checklists for two aides.

5. Based upon the information provided, the training provided and the documentation of training of the assistive aides was not adequate in the following particulars:

- i. The training manual is from a textbook that is used in Physical Therapist curricula and contains advanced concepts of physics, electrophysiology and pathophysiology that would require the educational background of Physical Therapy.
- ii. The checklist is to be used only for Physical Therapists as it contains in numbers 3-6: "chooses appropriate ultrasound head, sets times, sets frequency and initiates

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Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

treatment while adjusting intensity". These are all skilled level tasks that should only be performed by Physical Therapists.

- iii. The checklists, dated October 18, 2004 for one aide and October 21, 2004 for the other aide, are not comprehensive enough to indicate the initial training that should have been received upon being hired. It should also be noted that these checklists were filled out after the investigation into the matter was initiated.

6. Although the Respondent does not admit to the truth of the State's allegations, he does not contest that the State would be able to present credible evidence to prove these facts by a preponderance of the evidence at a hearing.

Charges

7. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of:

- i. Administrative Rules for Physical Therapists, Rule 3.4(4)(e) (The following physical therapy services may be performed only by, and are the sole responsibility of, the supervising physical therapist: Assurance of the qualifications of all assistive personnel to perform assigned tasks through written documentation of their education or training that is maintained and available at all times); and
- ii. 3 V.S.A. §129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession); and
- iii. 3 V.S.A. §129a(b)(2) (Failing to practice competently by reason of any cause on a single occasion or on multiple occasions, which includes failure to conform to the essential standards of acceptable and prevailing practice).

Understandings

8. The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Board and that if the Board rejects any portion the entire Stipulation and Consent Order shall be null and void.

9. The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.

10. This Stipulation and Consent Order is entered into voluntarily by the Respondent after the opportunity to consult with legal counsel. The Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.

11. The Respondent is voluntarily waiving his right to a contested hearing before the Board.

12. The Respondent waives any right to appeal from this Stipulation and Consent Order.

13. The Respondent agrees that the Order set forth below may be entered by the Board.

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Prosecuting Attorney
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WHEREFORE, the parties agree that the following constitutes a reasonable resolution given the above violations:

CONSENT ORDER

Based upon the above stipulation, it is **ADJUDGED** as follows:

- A. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent has engaged in unprofessional conduct in violation of:
- Administrative Rules for Physical Therapists, Rule 3.4(4)(e) (The following physical therapy services may be performed only by, and are the sole responsibility of, the supervising physical therapist: Assurance of the qualifications of all assistive personnel to perform assigned tasks through written documentation of their education or training that is maintained and available at all times); and
 - 3 V.S.A. §129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession); and
 - 3 V.S.A. §129a(b)(2) (Failing to practice competently by reason of any cause on a single occasion or on multiple occasions, which includes failure to conform to the essential standards of acceptable and prevailing practice).

B. Based on the above stipulation and findings of this Board, it is **ORDERED** as follows:

The Respondent's license is hereby **REPRIMANDED**.

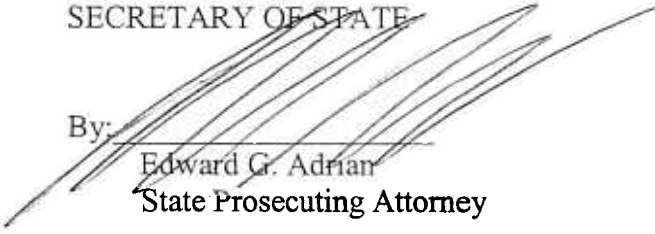
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

D. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 5/13/05

By: 

Edward G. Adrian
State Prosecuting Attorney

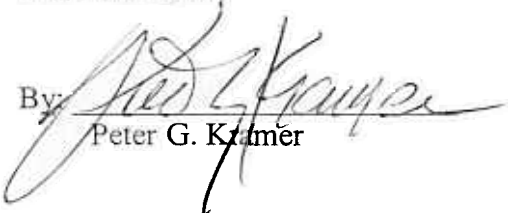
STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

PETER G. KRAMER
RESPONDENT

Dated: 5/13/05

By: 

Peter G. Kramer

APPROVED AS TO FORM:

RESPONDENT'S ATTORNEY

Dated: 5.12.05

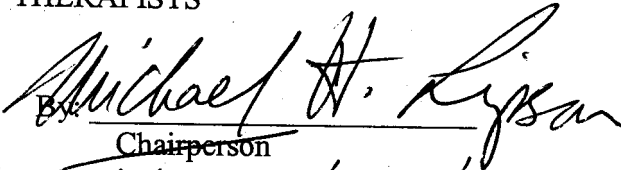
By: 

Shireen T. Hart, Esq.

APPROVED AND SO ORDERED:

~~VERMONT BOARD OF~~ PHYSICAL
THERAPISTS

Dated: 5-16-05

By: 
Chairperson
Administrative Law
Officer

Date of Entry: 5/18/05

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STATE OF VERMONT



Prosecuting Attorney
Office of
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Montpelier, VT 05602

**STATE OF VERMONT
OFFICE OF PROFESSIONAL REGULATION
PHYSICAL THERAPISTS**

IN RE:)
PETER GEORGE KRAMER) **Docket No.: PT01-0804**
License No: 040-0000812)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Peter George Kramer, P.T.:

Authority

1. The Administrative Law Officer has jurisdiction to hear matters involving allegations of unprofessional conduct by Physical Therapists pursuant to 3 V.S.A. §§122, 129 and 129a; Title 26, Chapter 38 of the Vermont Statutes Annotated; the Administrative Rules for Physical Therapists; and the Office of Professional Regulation's Rules.

Statement of Facts

2. The Respondent, Peter George Kramer, is licensed in the State of Vermont as a Physical Therapist under license number 040-0000812, which is currently set to expire on September 30, 2006.

3. At all times relevant, the Respondent was the Director of the Rehabilitation Department at Copley Hospital located in Morrisville, Vermont.

4. On November 18, 2004, the Respondent sent to the Office of Professional Regulation information regarding the training that unlicensed assistive aides received upon hiring with respect to the use of modalities. The documentation sent by the Respondent consisted of the manual used during the in-service training on ultrasounds and competency checklists for two aides.

5. Based upon the information provided, the training provided and the documentation of training of the assistive aides was not adequate in the following particulars:

- i. The training manual is from a textbook that is used in Physical Therapist curricula and contains advanced concepts of physics, electrophysiology and pathophysiology that would require the educational background of Physical Therapy.
- ii. The checklist is to be used only for Physical Therapists as it contains in numbers 3-6: "chooses appropriate ultrasound head, sets times, sets frequency

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- and initiates treatment while adjusting intensity". These are all skilled level tasks that should only be performed by Physical Therapists.
- iii. The checklists, dated October 18, 2004 for one aide and October 21, 2004 for the other aide, are not comprehensive enough to indicate the initial training that should have been received upon being hired. It should also be noted that these checklists were filled out after the investigation into the matter was initiated.

Charges

6. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of:
- i. Administrative Rules for Physical Therapists, Rule 3.4(4)(e) (The following physical therapy services may be performed only by, and are the sole responsibility of, the supervising physical therapist: Assurance of the qualifications of all assistive personnel to perform assigned tasks through written documentation of their education or training that is maintained and available at all times); and
 - ii. 3 V.S.A. §129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession); and
 - iii. 3 V.S.A. §129a(b)(2) (Failing to practice competently by reason of any cause on a single occasion or on multiple occasions, which includes failure to conform to the essential standards of acceptable and prevailing practice).

Relief Requested

WHEREFORE, the license of Peter George Kramer should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 15th day of March 2005.

STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adrian
State Prosecuting Attorney

STATE OF VERMONT



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