

**State of New Hampshire
Board of Allied Health Professionals
Physical Therapy Governing Board
Concord, New Hampshire**

In the Matter of:
Karen Bowers (aka Robinson), PT
License No. 2910
(Adjudicatory Proceedings)

Docket No. 03-2018

ORDER OF EMERGENCY LICENSE SUSPENSION
AND NOTICE OF HEARING

1. RSA 328-F:26; RSA 541-A:30, III, and New Hampshire Board of Allied Health Professional Administrative Rule ("Ahp") 209.02 authorize the New Hampshire Physical Therapy Governing Board ("Board") to suspend a license issued by the Board pending completion of an adjudicatory proceeding in cases involving imminent danger to life, public health, safety and/or welfare. In such cases, the Board must commence a hearing not later than 10 working days after the date of the emergency order. If the Board does not commence the hearing within 10 working days, the suspension order shall be automatically vacated. *See*, RSA 541-A:30, III and 328-F:26. No hearing date established in this proceeding shall be postponed at the request of the licensee unless the licensee agrees in writing to waive the 10-working day requirement. If the licensee waives the 10-working day requirement, the suspension shall remain in effect pending issuance of an Order by the Board subsequent to the completion of the hearing.

2. Karen Bowers (aka Robinson), PT ("Respondent"), holds an active license, No. 2910, issued on November 19, 2003, to work as a physical therapist in the State of New Hampshire. It is not known if Respondent is currently working as a physical therapist in New Hampshire.

3. Earlier this year, the Board reviewed a confidential Report of Investigation and voted to proceed on a disciplinary track with respect to allegations of misconduct involving Respondent. The investigation into the original allegations of misconduct has been ongoing.

4. The Board has since received additional information indicating that the continued practice of physical therapy by Respondent poses an imminent threat to life, public health, safety and/or welfare, and thus, warrants the temporary suspension of Respondent's license to practice physical therapy pending a hearing on whether permanent and/or temporary disciplinary sanctions should be imposed. A preliminary investigation was conducted into the new allegations and an Addendum Report of Investigation was provided to the Board.

5. In support of this *Order of Emergency License Suspension and Notice of Hearing*, the Board alleges the following facts:

A. In September and October of 2016, Respondent continued to visit Patient 1 at her home after she had been discharged from physical therapy. On October 10, 2016, Patient 1 allowed Respondent to pick up her prescription for oxycodone. When Respondent delivered the package to Patient 1, the package had been opened. Patient 1 subsequently discovered that ten (10) pills were missing. Respondent admitted that she had the pills and returned them to Patient 1; however, three (3) of the returned pills were of a different dosage from that prescribed to Patient 1. Respondent requested that Patient 1 not report the matter, referencing her children and her husband. Respondent later claimed that she had merely placed the ten pills in Patient 1's purse, to put them aside for her. After the missing pills were reported to her employer, Respondent called Patient 1 and told her that she might lose her job. Patient 1, in subsequent interviews with

police and the Administrative Prosecutions Unit (“APU”), adopted Respondent’s statement that the pills had been placed by Respondent in her purse, even though this was inconsistent with her first account of the episode.

B. On October 10, 2016, the day that Respondent picked up Patient 1’s prescription and delivered it to her home, and the same day on which she later returned to Patient 1’s home to return the missing pills to her, Respondent’s work records show her to be either traveling to and from or engaged in physical therapy visits with other patients in other locations between the hours of 9:00 am and 4:00 pm. There is no reference in her work records to Respondent’s two visits to Patient 1’s house, even though both would have occurred during these hours.

C. In January of 2017, after having been warned not to befriend former patients, Respondent continued to visit the home of another discharged patient, Patient 2. On two occasions, Respondent was seen going through the drawer where Patient 2 kept her medications. During this time, Patient 2 found that two weeks of her pain medication (oxycodone) had gone missing. When Patient 2 asked Respondent about the missing pills, she suggested that the pharmacy had messed up. When interviewed by the APU, Respondent denied making this statement and suggested that Patient 2 overused her pain medications. However, Patient 2 had never run out of her pain medications before.

D. In January and February of 2017, Patient 3 was receiving home physical therapy from Respondent. Respondent made 3-4 visits to his house. Respondent asked Patient 3 about his medications and asked him to show her where he kept them. Patient 3 had received a supply of approximately forty (40) oxycodone

pills upon his discharge from the hospital; however, he did not take many of them. When he later checked the pill bottle, he saw that there were only twenty (20) – twenty-five (25) pills left.

E. For an unknown period of time between September of 2016 and April of 2017, Respondent was treating Patient 4 following her release from a hospital (Patient 4 died in April of 2017). Patient 4 lived with her daughter, L.W. L.W. told APU investigators that Respondent stopped by their house unannounced, possibly sometime in February of 2017. Patient 4 was not at home at the time. Respondent told L.W. that she had to do some paperwork, and asked if she could come in. L.W. allowed her into the home and then went to take a shower. During that time, Respondent stuck her head into the bathroom and said she had to leave due to an emergency. L.W. further stated that, while she was alive, her mother had told her that Respondent had mentioned to her (Patient 4) that she could sell some of her oxycodone pills to some of her clients who needed them.

F. On March 15, 2017, Respondent provided a written response to the complaints made by Patient 1 and Patient 2. She admitted visiting both of them after their discharge from physical therapy, but denied any other wrongdoing. On June 14, 2017, Respondent was interviewed by investigators with the APU. Respondent claimed that she had discussed with Patient 1 the idea of separating some of her pills so that she would not run out. Respondent claimed that she had placed the missing ten pills in a purse hanging on Patient 1's bedroom door and returned to her house to show Patient 1 where they were. With respect to Patient 2, Respondent admitted that she had continued to visit her at home after she was

discharged as a patient, but denied going through her medications. Respondent stated that she was looking in Patient 2's drawer in order to help her buy more diapers, and that Patient 2 kept her medications in the same drawer as her diapers. Patient 2 and her roommate both denied that Patient 2 kept her diapers in the same drawer as her medications. Respondent further stated that Patient 2 had told her that she sometimes deliberately took extra pain pills. However, Patient 2 stated that she had never run out of pain medications before the end of the month before. With respect to having taken a medical leave from HCS while the Patient 2 investigation was pending, Respondent claimed that she was admitted to the hospital for a nervous breakdown, due to marital problems. Respondent's ex-husband, Peter Bowers, told APU investigators that he had forced to enter rehab due to having recently realized that she was heavily using and was addicted to pain medication.

G. On or about September of 2017, Respondent fell and injured herself at work (possibly at Westwood Assisted Living in Keene) as a result of having overdosed on pain medications.

H. Between the summer of 2017 and February of 2017 (when she was forced into rehab) Respondent's ex-husband stated that she would disappear frequently for hours and also leave their children unattended. During one of these times, her ex-husband discovered that she had been visiting the home of some former physical therapy patients. At some point after her return from rehab, according to her ex-husband, Respondent resumed this pattern of unexplained disappearances, and, in September of 2017, suffered an overdose, as mentioned above. As recently as

two months ago, Respondent's ex-husband ran into her in public and stated that she looked disheveled, gaunt, and emaciated. Further, although it is not known whether Respondent is currently working as a physical therapist, it is known that she has applied for licenses to do so in Vermont and Massachusetts. It is not yet known whether Respondent disclosed her substance abuse history on those applications.

6. Based upon the above information, the Board finds that the case involves imminent danger to life, public health, safety and/or welfare. Further, the Board believes there is a reasonable basis for both immediately suspending Respondent's license on a temporary basis, and for commencing an expedited disciplinary proceeding against Respondent pursuant to RSA 328-F:23, 541-A:30, III

7. The purpose of this proceeding will be to determine whether Respondent has engaged in professional misconduct contrary to RSA 328-F:23, II which warrants the continued imposition of temporary license suspension, the imposition of permanent disciplinary sanctions or both. The specific issues to be determined in this proceeding are:

- A. Whether Respondent engaged in professional misconduct by actually or potentially being unable to render care with reasonable skill and safety by reason of use of alcohol, drugs, or other material, or by reason of mental or physical condition in violation of RSA 328-F:23, II (f); and/or (j) and/or Phy 405.01 (f) and/or (k); and/or
- B. Whether Respondent engaged in professional misconduct by improperly documenting the care actually provided to patients in violation of RSA

328-F:23, II (c), and/or Phy 501.02, and/or the Code of Ethics for the Physical Therapist; and/or

- C. Whether Respondent engaged in professional misconduct by stealing medications from patients in violation of RSA 328-F:23, II (c) and/or (j), and/or Phy 405.01 (d), and/or Phy 501.02, and/or the Code of Ethics for the Physical Therapist; and/or
- D. Whether Respondent engaged in professional misconduct by failing to maintain professional boundaries with patients in violation of RSA 328-F:23, II (c) and/or (j), Phy 501.02, and/or the Code of Ethics for the Physical Therapist; and/or
- E. Whether Respondent engaged in professional misconduct by practicing while impaired and/or failing to remedy a medical issue that affected her ability to practice in violation of RSA 328-F:23, II (c) and/or (j), Phy 501.02, and/or the Code of Ethics for the Physical Therapist; and/or
- F. Whether Respondent engaged in professional misconduct by knowingly or negligently providing inaccurate material information upon inquiry by the Board in violation of RSA 328-F:23, II (a) and/or (j), and/or Phy 405.01(a) and/or (d); and
- G. If any of the above allegations are proven, whether and to what extent, Respondent should be subjected to one or more of the disciplinary sanctions authorized by RSA 328-F:23, IV and Phy 405.02.

THEREFORE, IT IS ORDERED that Respondent's New Hampshire license to practice physical therapy is immediately suspended until further order of the Board; and,

IT IS FURTHER ORDERED that an adjudicatory proceeding be commenced for the purpose of resolving the issues articulated above pursuant to RSA 328:F:23. To the extent that this order or the Board's rules do not address an issue of procedure, the Board shall apply the New Hampshire Department of Justice Rules, Part 800; and,

IT IS FURTHER ORDERED that Karen Bowers, aka Robinson, PT shall appear before the Board on July 18, 2018 at 2:00 pm, at the Board's office located at 121 South Fruit Street, Concord, N.H., 03301, to participate in an adjudicatory hearing and

IT IS FURTHER ORDERED that if Respondent elects to be represented by counsel, at Respondent's own expense, said counsel shall file a notice of appearance at the earliest date possible; and,

IT IS FURTHER ORDERED that Respondent's failure to appear at the time and place specified above may result in the hearing being held *in absentia*,; and,

IT IS FURTHER ORDERED that Janice Rundles, Esq., N.H. Department of Justice, 33 Capitol Street, Concord, N.H., 03301 is appointed to act as Hearing Counsel in this matter with all the authority within the scope of RSA Chapter 328-F and RSA 541-A to represent the public interest. Hearing Counsel shall have the status of a party to this proceeding; and,

IT IS FURTHER ORDERED that Joseph V. Shanley, PTA., Chair, or any other person whom she may designate, shall act as presiding officer in this proceeding; and,

IT IS FURTHER ORDERED that any proposed exhibits, motions or other documents intended to become part of the record in this proceeding, be filed by the proponent with the Board, in the form of an original and nine (9) copies, and with an additional copy mailed to any party to the proceeding, and to Thomas Broderick, Esq., Counsel to the Board, N.H. Department of Justice, 33 Capitol Street, Concord, New Hampshire 03301. All responses or objections to

such motions or other documents are to be filed in similar fashion within ten (10) days of receipt of such motion or other document unless otherwise ordered by the Board; and,

IT IS FURTHER ORDERED that a witness and exhibit list and any proposed exhibits, pre-marked for identification only, shall be filed with the Board no later than two (2) days before the date of the hearing. Respondent shall pre-mark her exhibits with capital letters, and Hearing Counsel shall pre-mark her exhibits with Arabic numerals; and,

IT IS FURTHER ORDERED that unless good cause exists, all motions shall be filed at least two (2) days before the date of any hearing, conference, event or deadline which would be affected by the requested relief; and,

IT IS FURTHER ORDERED that the entirety of all oral proceedings be recorded verbatim by the Board. A shorthand court reporter shall be provided at the hearing or conference and such record shall be transcribed by the Board if the requesting party or agency shall pay all reasonable costs for such transcription; and,

IT IS FURTHER ORDERED that all documents shall be filed with the Board by mailing or delivering them to Tina Kelley, Administrator, N.H. Board of Allied Health Professionals, 121 South Fruit Street, Concord, New Hampshire 03301; and


IT IS FURTHER ORDERED that routine procedural inquiries may be made by contacting Tina Kelley, Administrator, N.H. Board of Allied Health Professionals, at (603) 271-8339, but that all other communications with the Board shall be in writing and filed as provided above. *Ex parte* communications are forbidden by statute and the Board's regulations; and,

IT IS FURTHER ORDERED that a copy of this Notice of Hearing shall be served upon Respondent by personal service and certified mail addressed to the office address she supplied to the Board in her latest renewal application. *See*, Ahp 207.03 and Phy 206.03. A copy shall also

be delivered to Hearing Counsel Janice Rundles, Esq., N.H. Department of Justice, 33 Capitol Street, Concord, NH 03301.

BY ORDER OF THE BOARD/*

Dated: July 11, 2018



Tina Kelley, Administrator
Authorized Representative of the
New Hampshire Board of Allied Health
Professionals

/* Recused Board member, did not participate: