

**STATE OF RHODE ISLAND  
AND PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH  
HEALTH SERVICES REGULATION  
BOARD OF PHYSICAL THERAPY**

**vs.**

**TIMOTHY M. KELLY, JR.**

**CONSENT ORDER**

Pursuant to Section 5-40-13 of the General Laws of the State of Rhode Island, as Amended, and the Rules and Regulations promulgated thereunder, the Department of Health (hereinafter "Department"), the Board of Physical Therapy (hereinafter "Board") has investigated a complaint charging Timothy M. Kelly, Jr. (hereinafter "Respondent") with a violation of Section 5-40-13 of the General Laws of the State of Rhode Island, as Amended.

After consideration by the Department, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent is a physical therapist licensed to practice in the State of Rhode Island.
2. That Respondent violated the Code of Ethics of the American Physical Therapist Association, Principle #4 B in violating boundary issues and using his position as a health professional to exploit someone under his authority and evaluative care.

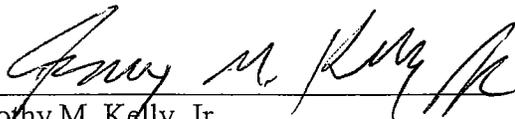
The conduct described in paragraph two (2) herein constitutes unprofessional conduct pursuant to Section 5-40-13 of the Rhode Island General Laws and the Rules and Regulation promulgated thereunder.

The parties agree as follows:

1. Respondent is a physical therapist licensed to practice in the State of Rhode Island.
2. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Department.
3. Respondent has read this Consent Order and understands that it is a proposal of the Department and is subject to the final approval by the Department. This Consent Order and the contents thereof are not binding on Respondent until final approval by the Department.
4. Respondent hereby acknowledges and waives:
  - a) The right to appear personally or by counsel or both before the Department;
  - b) The right to produce witnesses and evidence in Respondent's behalf at a hearing;
  - c) The right to cross-examine witnesses;
  - d) The right to have subpoenas issued by the Department;
  - e) The right to further procedural steps except for those specifically contained herein; and
  - f) Any and all rights of appeal of this Consent Order.
5. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties.
6. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein.
7. Respondent agrees to a one (1) year period of probation.

8. Respondent shall complete six (6) hours of continuing education in ethics, to be completed within one (1) year of the date of this Consent Order. Respondent shall submit copies of the Certificates of Completion or appropriate documentation to the Board. Continuing education courses shall be in accordance with Continuing Education Requirements as expressed in the Rules and Regulations.
9. Respondent shall not work in a self-employed capacity unless this Order is modified to permit self-employment.
10. During the period of probation, Respondent shall notify the Department forthwith of any changes in his employment, including the name and address of the new employer(s) and reason for said change.
11. Respondent shall arrange for employer to complete a quarterly evaluation including reference to his appropriateness with patients and accuracy of billing.
12. That should Respondent fail to comply with the laws and regulations governing the practice of physical therapy and/or fail to comply with the requirements of the Consent Order, his license to practice as physical therapist shall be subject to suspension or other appropriate disciplinary action.

2/10/11  
Date

  
Timothy M. Kelly, Jr.

2/16/11  
Date

  
Charles Alexandre, PhD, RN  
Chief, Health Professions Regulation