

IN THE MATTER OF  
DAVID P. NOBLES

\*

BEFORE THE MARYLAND

\*

BOARD OF PHYSICAL

\*

THERAPY EXAMINERS

\* \* \* \* \*

**PRE-CHARGE CONSENT ORDER**

**Background**

The Maryland Board of Physical Therapy Examiners (the "Board") received a complaint regarding David P. Nobles at Optimal Physical Therapy & Industrial Rehabilitation, Inc. ("Optimal") alleging that Mr. Nobles (the "Respondent") was practicing physical therapy without a license. As a result, the Board conducted an investigation into the matter which confirmed that the Respondent was performing certain physical therapy procedures under the direction and supervision of a licensed physical therapist (the "Physical Therapist A"), who is a part-owner of Optimal.

In lieu of formal proceedings against the Respondent for violation of the Maryland Physical Therapy Act, Md. Code Ann., Health Occ. § 13-101 *et seq.*, the Board held a Pre-Charge Case Resolution Conference with the Respondent on December 11, 2008. As a result, the Board and the Respondent have agreed to resolve this matter as set forth in this Consent Order.

**FINDINGS OF FACT**

1. The Board received a complaint from a retired physical therapist alleging that the Respondent was rendering physical therapy at Optimal without a license.
2. The Respondent is not licensed as a physical therapist or physical therapist assistant. The Respondent is a kinesiologist and is certified by the Workers' Compensation Commission

- to perform FCE evaluations and provide work hardening services.
3. The Respondent and Physical Therapist A are co-owners of Optimal. Optimal provides both physical therapy services and work hardening services.
  4. Between 2005 and 2007, in addition to providing work hardening services, the Respondent functioned as a physical therapy aide to assist Physical Therapist A in the treatment of Optimal's physical therapy patients.
  5. Between 2005 and 2007, the Respondent performed ultrasound and electric stimulation on Physical Therapist A's physical therapy patients in accordance with the plan of treatment created by Physical Therapist A.
  6. Ultrasound and electric stimulation are modalities within the scope of physical therapy practice that require a physical therapist or physical therapist assistant license, unless otherwise appropriately licensed.
  7. Physical therapy aides, such as the Respondent, are not permitted to perform ultrasound or electric stimulation.
  8. The Respondent also provided manual therapy and massage on Physical Therapist A's physical therapy patients.
  9. Manual therapy and massage are procedures within the scope of physical therapy practice that require a physical therapist or physical therapist assistant license, unless otherwise appropriately licensed.
  10. Physical therapy aides, such as the Respondent, are not permitted to perform manual therapy or massage.
  11. The Respondent regularly wrote progress notes for the physical therapy treatment he provided which were signed by Physical Therapist A.
  12. The Respondent did not sign billing forms for physical therapy treatment he rendered.
  13. On at least one occasion, Physical Therapist A was not on the premises when the Respondent was rendering physical therapy treatment.

**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes that the Respondent is subject to a civil fine in accordance with Md. Code Ann., Health Occ. §§13-407 for practicing physical therapy without a license.

**ORDER**


Based on an affirmative vote of a quorum of the Board, it is this 17<sup>th</sup> day of March, 2009, hereby:

**ORDERED** that the Respondent shall pay a civil fine in the amount of Twenty-five Thousand Dollars (\$25,000.00) within one (1) year of the date of this Order; and be it further,

**ORDERED** that the Respondent shall cease and desist any and all practice of physical therapy or limited physical therapy unless and until the Respondent is appropriately licensed; and be it further,

**ORDERED** that this is a formal order of the Maryland Board of Physical Therapy Examiners and as such is a public document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617(h).

March 17, 2009  
Date

  
Margery Rodgers, P.T.  
Chair, Board of Physical Therapy Examiners

CONSENT

1. By signing this Consent, I submit to the foregoing Consent Order as a resolution of this matter in lieu of formal charges, which process would have afforded me the right to a full evidentiary hearing. I consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order as if made after a full evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and to all other substantive and procedural protections provided by law.
2. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

3-12-09  
Date

David P. Nobles  
David P. Nobles

STATE OF MARYLAND  
COUNTY/CITY OF Calvert:

I hereby certify that on this 12<sup>th</sup> day of March, 2009, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared DAVID P. NOBLES and made an oath in due form that the foregoing Consent was his voluntary act and deed.

Shirley J. Slusher  
Notary Public



My Commission Expires: 12-1-10  
**NOTARY PUBLIC**  
Calvert County  
State of Maryland  
My Commission Expires  
December 1, 2010