

IN THE MATTER OF
MARC SICKEL, A.T.C.
Certification No. 000030708

* BEFORE THE
* MARYLAND STATE BOARD
* OF PHYSICAL THERAPY
* EXAMINERS
* Case No. PT 10-27

* * * * *

CONSENT ORDER

BACKGROUND

On or about February 1, 2010, the Maryland Board of Physical Therapy Examiners (the "Board") received a credible complaint that Marc Sickel, A.C.T., an unlicensed individual, was providing physical therapy treatment to at least one of his patients. In lieu of pursuing its investigation and instituting formal prosecution against Mr. Sickel for the unauthorized practice of physical therapy, the Board held a Pre-charge Case Resolution Conference ("CRC") with Mr. Sickel on September 21, 2010. Thereafter, the Board and Mr. Sickel agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. At all times relevant herein, Mr. Sickel was not licensed in Maryland or any other state as either a physical therapist or chiropractor with physical therapy privileges.
2. Mr. Sickel is not a licensed athletic trainer with the Maryland Board of Physicians.
3. Mr. Sickel is a Certified Athletic Trainer ("ACT") through The National Athletic Trainers Association.
4. Mr. Sickel has a Bachelor of Science in Kinesiology from the University of Maryland.

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5. At all times relevant herein, Mr. Sickel was the owner of Fitness for Health, Inc. in Rockville, Maryland, which he founded in 1989. Fitness for Health, Inc. is a registered health club.
6. The brochure filed by Fitness for Health, Inc. with the Office of the Attorney General's Health Club Registration Unit indicates that the company offers physical therapy services.
7. From November 1, 2008 to October 16, 2009, Mr. Sickel rendered physical therapy services to at least one patient, Patient A¹, resulting in approximately \$27,000 in fees being billed to the patient.
8. Mr. Sickel treated Patient A for injuries sustained in an automobile accident for a total of 112 treatment sessions and utilized physical therapy treatment modalities such as ultrasound and electrical stimulation.
9. Upon Patient A's request for submission to her insurance company, Mr. Sickel created treatment notes which included therapeutic exercise codes but no diagnosis code.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Mr. Sickel is subject to the imposition of a monetary penalty pursuant to Md. Code, Health Occ. §§ 13-401 and 13-407 for engaging in the unauthorized practice of physical therapy.

ORDER

Based on an affirmative vote of the Board, it is this _____ day of _____, 2011, hereby:

ORDERED that Mr. Sickel shall pay a fine of \$20,000 to the Board via certified check or money order within one year of the date of this Order;

¹ The patient's name is withheld here to protect patient privacy.

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ORDERED that Mr. Sickel shall CEASE AND DESIST the practice of physical therapy, including but not limited to, the use of treatment modalities such as electrical stimulation and ultrasound, unless and until such time as he is licensed in Maryland as an athletic trainer or other healthcare practitioner legally authorized by law to administer such modalities; and be it further,


ORDERED that Mr. Sickel shall not represent to the public that Fitness for Health, Inc. provides physical therapy services unless and until Fitness for Health, Inc. employs a licensed Maryland physical therapist or chiropractor with physical therapy privileges; and be it further,

ORDERED that upon licensure as an athletic trainer or other licensed healthcare professional, Mr. Sickel shall practice in accordance with all laws governing such healthcare profession(s) as appropriate; and be it further,

ORDERED that in the event Mr. Sickel fails to comply with the terms of this Order, the Board may resume its investigation of Mr. Sickel and institute formal prosecution against him for the unauthorized practice of physical therapy; 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 Md. Code, State Gov't, § 10-617(h).

Date



Shirley Leeper, P.T.A.
Board Chair

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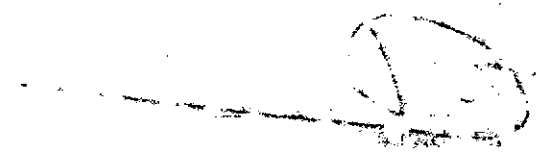
CONSENT

1. By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By signing this Consent, I submit to the foregoing Consent Order as a resolution of this matter.
3. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
4. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
5. I sign this Consent Order freely and voluntarily, aware of my right to consult with counsel.
6. I fully understand the language, meaning, and effect of this Consent Order.

2/26/11
Date


Marc Sickel

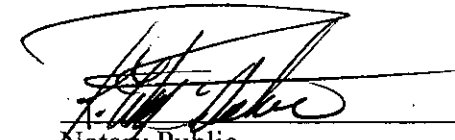
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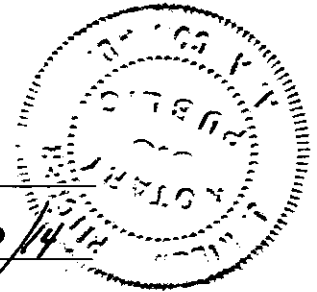


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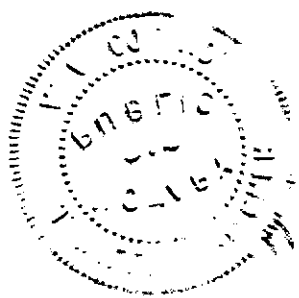
STATE OF MARYLAND
COUNTY/CITY OF Anne Arundel:

I hereby certify that on this 27th day of February, 2011, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared MARC SICKEL, and made an oath in due form that the foregoing Consent was his voluntary act and deed.


Notary Public
My commission expires: 5/29/14



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