

IN THE MATTER OF	*	BEFORE THE MARYLAND
DANIEL BRASSELL, P.T.A.	*	BOARD OF PHYSICAL
RESPONDENT	*	THERAPY EXAMINERS
LICENSE NO.: A-4917	*	Case Number: PT-22-03

\* \* \* \* \*

**CONSENT ORDER**

On February 25, 2022, the Maryland Board of Physical Therapy Examiners (the “Board”) issued Charges Under the Maryland Physical Therapy Act to **DANIEL BRASSELL, P.T.A.**, (the “Respondent”) License Number A-4917. The Board charged the Respondent’s license to practice as a physical therapy assistant with violations of the Maryland Physical Therapy Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 13-316 *et seq.* (2021 Repl.).

The pertinent provisions of the Act provide the following:

**§ 13-308 Issuance of license, display or notice of license; change of address**

....  
(c) Change of Address.—Each licensee shall give the Board immediate written notice of any change of address

**AND**

**§ 13-316 Denial, reprimands, probations, suspensions, and revocations – Grounds**

Subject to the hearing provisions of § 13-317 of this subtitle, the Board may deny a license or restricted license to any applicant, reprimand any licensee or holder of a restricted license, place any licensee or holder of a restricted license on probation, or suspend or revoke a license or restricted license if the applicant, licensee, or holder:

.....

(13) Willfully fails to file or record any report as required by law, willfully impeded or obstructs the filing or recording of the report, or induces another to fail to file or record the report;

....  
(15) Violates any provision of this title or rule or regulation adopted by the Board;

....  
(19) Commits an act of unprofessional conduct in the practice of physical therapy or limited physical therapy;

....  
(24) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board[.]

The Board further charges the Respondent with violations of the following Board regulations:

**COMAR 10.38.08.05 – Continuing Education Requirements – Renewal Requirements**

A. A licensee shall earn CEUs [Continuing Education Units] between April 1 and March 31 during the 2-year period before renewal and maintain the records of the course subject, hours, date, and continuing education units to present to the Board on request.

....  
E. A physical therapy assistant shall earn 2 CEUs equal to 20 contact hours for the renewal period[.]<sup>1</sup>

**COMAR 10.38.08.06 – Auditing Compliance with Continuing Education Requirements**

A. The Board shall audit the continuing education records of as many licensees as time and resources allow.

....

C. At the time of the audit, the audited licensees shall submit:

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<sup>1</sup> Code of Maryland Regulations 10.38.08.02B defines CEU as the basic unit of measurement for a licensee's direct participation in continuing education consisting of 10 contact hours.

- (1) Continuing education certificates earned between April 1 and March 31 during the 2-year period before renewal; and,
- (2) A completed continuing education form[.]

On September 20, 2022, the parties appeared at a Case Resolution Conference (“CRC”) before a committee of the Board. The Respondent, pro se, and the Administrative Prosecutor assigned to the case participated in the CRC. As a result of the negotiations at the CRC the parties agreed to the following Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

#### **FINDINGS OF FACT**

The Board finds that:

1. At all times relevant hereto, the Respondent was licensed to practice as a physical therapy assistant in the State of Maryland under license number A4917. The Respondent was originally licensed on or about April 6, 2018. The Respondent’s license is due to expire on May 31, 2023.

2. On or about May 23, 2021, the Respondent electronically transmitted to the Board his completed licensure renewal application.<sup>2</sup> In his renewal application, the Respondent certified that he had completed a total of 20.0 continuing education hours.

3. The Respondent documented on his renewal application that the title of the Continuing Education Course for which he was claiming 20.0 hours of continuing

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<sup>2</sup> The Respondent listed the same Georgia address on his May 23, 2021 renewal application as the Board’s address of record for the Respondent.

education was: "Combined Sections Meeting 2021". The Respondent further documented that his Sponsor was the American Physical Therapy Association.

4. The Respondent affirmed on his renewal application that "the information I have given in answer to these questions is true and correct to the best of my knowledge and belief."

5. On or about July 13, 2021, in accordance with the Board's authority pursuant to COMAR 10.38.08.06A, the Board conducted an audit of the CEUs claimed by several licensees on their renewal applications, including the Respondent.

6. By email<sup>3</sup> dated July 13, 2021, the Board notified the Respondent that he had been randomly selected to submit to the Board copies of the continuing education certificates he had earned for the period of April 1, 2019 through June 30, 2021. The Respondent was instructed to provide certificates for his courses to the Board within fifteen days, by July 28, 2021.

7. The Respondent failed to respond to the July 13, 2021 email and failed to provide the Board the continuing education certificates by July 28, 2021.

8. By letter dated July 28, 2021<sup>4</sup>, the Board sent a second notice to the Respondent's address of record notifying the Respondent that he had been randomly selected to submit to the Board copies of the continuing education certificates he had

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<sup>3</sup> The July 13, 2021 email was sent to the Respondent's email address of record with the Board.

<sup>4</sup> The July 29, 2021 letter was also sent to the Respondent's email address of record on July 29, 2021 at 8:27 a.m.

earned for the period of April 1, 2019 through June 30, 2021. The Respondent was instructed to provide certificates for his courses to the Board by August 3, 2021.

9. The Respondent failed to respond to the July 28, 2021 letter and failed to provide the Board the continuing education certificates by August 3, 2021.

10. On August 5, 2021<sup>5</sup>, the Board sent a third notice, via certified mail<sup>6</sup>, to the Respondent's address of record notifying the Respondent that he must provide the Board copies of the continuing education certificates he had earned for the period of April 1, 2019 through June 30, 2021 and a letter of explanation as to why he had not complied with the Board's prior requests by August 25, 2021.

11. On or about August 17, 2021, the Board resent the August 5, 2021 letter to the Respondent's address of record by certified mail return receipt requested and regular mail. According to the United States Postal Service, the letter sent via regular mail was returned to the Board and marked, "Return to Sender, Unclaimed, Unable to Forward." According to the United States Postal Service, the certified letter was "returned to the sender on August 20, 2021 at 9:30 a.m....because the addressee moved and left no forwarding address."<sup>7</sup>

12. On or about September 14, 2022, prior to the Case Resolutions Conference held on September 20, 2022, the Respondent provided the Board documentation that he

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<sup>5</sup> On August 5, 2021, the Board also sent the August 5, 2021 letter to the Respondent via electronic mail.

<sup>6</sup> The certified letter mailed to the Respondent on August 5, 2021 was returned to the Board on August 12, 2021 due to a typographical error in the Respondent's address.

<sup>7</sup> Pursuant to Health Occ. § 13-308 (c) "Change of Address- Each licensee shall give the Board immediate written notice of any change of address."

had completed the required continuing education hours for the period of April 1, 2019 through June 30, 2021.

**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated:

**§ 13-308 Issuance of license, display or notice of license; change of address**

- ....
- (c) Change of Address.—Each licensee shall give the Board immediate written notice of any change of address

**AND**

**§ 13-316 Denial, reprimands, probations, suspensions, and revocations –  
Grounds**

Subject to the hearing provisions of § 13-317 of this subtitle, the Board may deny a license or restricted license to any applicant, reprimand any licensee or holder of a restricted license, place any licensee or holder of a restricted license on probation, or suspend or revoke a license or restricted license if the applicant, licensee, or holder:

- ....
- (13) Willfully fails to file or record any report as required by law, willfully impeded or obstructs the filing or recording of the report, or induces another to fail to file or record the report;
- ....
- (15) Violates any provision of this title or rule or regulation adopted by the Board;
- ....
- (19) Commits an act of unprofessional conduct in the practice of physical therapy or limited physical therapy;
- ....
- (24) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board[.]

The Board further charges the Respondent with violations of the following Board regulations:

**COMAR 10.38.08.05 – Continuing Education Requirements – Renewal Requirements**

- A. A licensee shall earn CEUs [Continuing Education Units] between April 1 and March 31 during the 2-year period before renewal and maintain the records of the course subject, hours, date, and continuing education units to present to the Board on request.
- ....
- E. A physical therapy assistant shall earn 2 CEUs equal to 20 contact hours for the renewal period[.]<sup>8</sup>

**COMAR 10.38.08.06 – Auditing Compliance with Continuing Education Requirements**

- A. The Board shall audit the continuing education records of as many licensees as time and resources allow.
- ....
- C. At the time of the audit, the audited licensees shall submit:
  - (1) Continuing education certificates earned between April 1 and March 31 during the 2-year period before renewal; and,
  - (2) A completed continuing education form[.]

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby:

**ORDERED** that the Respondent's physical therapy assistant license is **REPRIMANDED**; and it is further

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<sup>8</sup> Code of Maryland Regulations 10.38.08.02B defines CEU as the basic unit of measurement for a licensee's direct participation in continuing education consisting of 10 contact hours.

**ORDERED** that within **SIX (6) MONTHS** from the effective date of this Consent Order, the Respondent shall successfully complete the Board's online jurisprudence course; and it is further

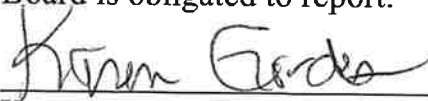

**ORDERED**, within **SIX (6) MONTHS** from the effective date of this Consent Order, the Respondent shall pay a civil fine of **THREE HUNDRED DOLLARS (\$300)**; and be it further

**ORDERED** that if the Respondent violates any of the terms and conditions of the this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying facts, or an opportunity for a show cause hearing before the Board otherwise, may impose any sanction that the Board may have imposed in this case, including additional probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; and it is further

**ORDERED** that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

**ORDERED** that the for the public disclosure, this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2019) and is reportable to any entity to who the Board is obligated to report.<sup>9</sup>

12/28/2022  
Date

  
\_\_\_\_\_  
Karen Gordes, P.T., Ph.D., D.Sc.PT  
Board Chair  
Maryland State Board of Physical Therapy  
Examiners 

<sup>9</sup> This includes the Board's public website and NPDB.



CONSENT

I, **DANIEL BRASSELL, License No. A-4917**, by affixing my signature hereto, acknowledge that I have had an opportunity to be represented by counsel before entering this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree to accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had 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 the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that I might have filed after any such hearing. I acknowledge that this is a formal order of the Board and as such is a public document.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

12-16-2022  
Date

Daniel Brassell  
Daniel Brassell, A-4917

DANIEL BRASSELL, P.T.A.  
License No.: A-4917  
Consent Order

**NOTARY**

STATE OF Maryland

COUNTY OF Charles

I HEREBY CERTIFY that on this 16 day of December,  
2022, before me, a Notary Public of the State and County aforesaid, personally appeared  
**Daniel Brassell, P.T.A., License Number: A-4917**, and gave oath in due form of law that  
the foregoing Consent Order was his voluntary act and deed.

**AS WITNESS, my hand and Notary Seal.**

  
Notary Public

My Commission Expires: 11/02/2024

