

IN THE MATTER OF	*	BEFORE THE STATE
WILLIAM NOEL BELL, III	*	BOARD OF
APPLICANT	*	PHYSICAL THERAPY
	*	EXAMINERS
	*	CASE No.: PT-12-04

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On November 30 2011, the State Board of Physical Therapy Examiners (the “Board”) notified **WILLIAM NOEL BELL, III (“the Applicant”)** (DOB: 09/07/1960) of the Board’s intent to deny his application for licensure as a physical therapy assistant under the Maryland Physical Therapy Act (the “Act”), Md. Health Occ. Code Ann. (“H.O.”) § 13-101 *et seq.* (2009 Repl. Vol. and 2011 Supp.). The pertinent provisions state:

H.O. § 13-302. Qualifications of applicants – Generally.

(b) *Moral character.* – The applicant shall be of good moral character.

H.O. § 13-316. Denials, 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:

- (6) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime of moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside[;

- (10) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or Veterans Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes[.]

On February 21, 2012, the Respondent appeared before the Case Resolution Conference Panel (the "CRC") of the Board in order to attempt to resolve the matter. As a result of the negotiations that occurred at the CRC, the Board and the Respondent agreed to enter into this Consent Order consisting of Procedural Background, Findings of Fact, Conclusions of Law and Order, with the terms and conditions set forth below.

FINDINGS OF FACT

The Board finds the following:

1. The Applicant was initially granted license number A1672 to practice as a physical therapy assistant on January 6, 1993. That license expired on May 31, 2008.
2. On or about August 17, 2011 the Board received the Applicant's Application for Reinstatement Physical Therapy Assistant Licensure (the "application").¹

Criminal History

3. On his application, the Applicant answered, "yes" to the following questions:
 - a. Has a state, federal or foreign licensing or disciplinary board or agency (including Maryland, DC and Puerto Rico), or a comparable body in the armed services, denied your application for licensure, reinstatement or renewal?

¹ Because the Applicant does not meet the criteria set for in H.O. § 13-312(a) for reinstatement of his license, H.O. § 13-312(b) states that the Applicant must meet the requirements for obtaining a new license.

- b. Has a state, federal or foreign licensing or disciplinary board or agency (including Maryland, DC and Puerto Rico), or a comparable body in the armed services, taken any action against your license?

4. In addition, the Applicant answered “no” to the question, “Have you committed a criminal act to which you pled guilty or nolo contendere or for which you were convicted or received probation before judgment?” The Applicant also underlined the word “committed.”

5. The Applicant failed to include a letter of explanation as required.

6. The Board subsequently initiated an investigation.

7. The Board’s investigation revealed that on or about January 5, 2007, in the Circuit Court for Charles County, the Applicant entered an *Alford* plea² to sexual child abuse (count 1) and third degree sex offense (count 2).

8. On or about March 13, 2007, the Applicant was sentenced to 25 years of incarceration with all but 18 months suspended, and five years of supervised probation on the first count. On the second count, the Applicant was sentenced to 10 years of incarceration with all but 18 months suspended, to run concurrent with count one. The Applicant was given credit for 91 days served on home detention. The Applicant is also required to register as a sex offender for 10 years.

9. The Applicant was released from incarceration on February 7, 2008 after serving 11 months.

² An *Alford* plea is a guilty plea that a defendant enters into without actually admitting guilt.

10. Subsequently, on April 14, 2011, the Applicant was convicted of a violation of probation for failure to pay child support. The Applicant must pay outstanding child support payments by December 15, 2011 or face 18 months of incarceration.

Virginia License

11. The Applicant is also licensed in the Commonwealth of Virginia (License No. 2306-000821).

12. By an order dated September 22, 2009, the Applicant's Virginia license was mandatorily suspended due to his felony conviction.³

13. On September 8, 2010, the Applicant applied for reinstatement of his Virginia license. The Virginia Board reinstated the Applicant's license and placed him on indefinite probation with conditions.⁴

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant is in violation of H.O. §§ 13-316(6) and (10). The Board further finds that the Applicant meets the good moral character requirement for licensure.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 17TH, day of July 2012, by a majority of the Board considering this case:

³ The Board was notified of the adverse action taken against the Applicant's Virginia license. However, the Board did not take action because the Applicant did not have an active Maryland license.

⁴ The Applicant cannot request that his probation be lifted for a minimum of 36 months, he cannot treat persons under the age of 18, and he must self-report his current address and employer on a quarterly basis.

ORDERED that the Applicant's application for licensure to practice as a physical therapy assistant in the State of Maryland is hereby **TEMPORARILY DENIED** until

February 7, 2013, to run commensurate with the remainder of the Applicant's criminal probation; and be it further

ORDERED that on or after February 7, 2013, the Applicant may apply for reinstatement; and be it further

ORDERED that upon approval of application, the Board shall issue a physical therapy assistant's license to the Applicant, which shall be limited to prohibit rendering limited physical therapy to any individual under the age of 18; and it is further

ORDERED that upon licensure, the Applicant's license to practice as a physical therapy assistant shall be immediately placed on **PROBATION** for a period of at least **THREE (3) YEARS**, subject to the following terms and conditions:

1. The Applicant shall provide a copy of this Consent Order to his physical therapy employer(s); and
2. The Applicant shall ensure that his supervising physical therapist submits progress reports to the Board on a quarterly basis; and it is further

ORDERED after the conclusion of the entire **THREE (3) YEAR** period of **PROBATION**, the Applicant may file a written petition for termination of his probationary status without further conditions or restrictions, but only if he has satisfactorily complied with all conditions of this Consent Order, including all terms and conditions of probation, and including the expiration of the three (3) year period of probation, and if there are no pending complaints regarding the Applicant before the Board; and be it further

ORDERED that should the Applicant violate any of the terms or conditions of this Consent Order, the Board, after notice, opportunity for a hearing and determination of

violation, may impose any other disciplinary sanctions it deems appropriate, including suspension or revocation, said violation being proven by a preponderance of the evidence; and be it further

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

ORDERED that this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. §§ 10-611 et seq. (2009 Repl. Vol. and 2010 Supp.).



John Baker, P.T., DSc. P.T., Chair
State Board of Physical Therapy Examiners

CONSENT OF WILLIAM N. BELL

I, William N. Bell, acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I admit to the Findings of Fact and Conclusions of Law as set forth above, and agree and accept to be bound by the foregoing Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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, confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and

enforce the Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

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

7-10-2012
Date

William N. Bell
William N. Bell, Applicant

STATE OF MARYLAND

CITY/COUNTY OF PRINCE GEORGE'S

I HEREBY CERTIFY that on this 10th day of July, 2012 before me, Paul B. Essex, a Notary Public of the foregoing State and personally appeared William N. Bell, Applicant, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Paul B. Essex
Notary Public

My Commission Expires: November 26, 2013