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| IN THE MATTER OF | * | BEFORE THE STATE |
| NIKISHA GANDHI, | * | BOARD OF |
| APPLICANT | * | PHYSICAL THERAPY |
| | * | EXAMINERS |
| | * | CASE No.: PT-14-29 |

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On July 31, 2014, the State Board of Physical Therapy Examiners (the “Board”) notified **NIKISHA GANDHI (“the Applicant”)** of the Board's intent to deny her application for licensure as a physical therapist under the Maryland Physical Therapy Act (the “Act”), Md. Health Occ. Code Ann. (“H.O.”) § 13-101 *et seq.* (2009 Repl. Vol. and 2013 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:

- (2) Fraudulently or deceptively obtains or attempts to obtain a license or restricted license for the applicant, licensee, or holder or for another[.]

On October 9, 2014, the Applicant 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 Applicant 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. On or about April 21, 2014, the Board received the Applicant's initial Application for Licensure as a physical therapist.
2. On the application, the Respondent disclosed that she currently holds a license to practice physical therapy in New York.
3. On or about June 4, 2014, the Board received an Adverse Action Report from the Federation of State Boards of Physical Therapy ("FSBPT") stating that the Applicant "participated in the accessing and improper posting of multiple National Physical Therapy Exam (NPTE) test questions on shared group email accounts." The test questions and answers are copyright protected under U.S. Copyright Laws. As result, the FSBPT canceled the applicant's score from her July 2010 examination. The FSBPT also imposed the following sanctions: pay a monetary fine in the amount of \$8,000, post a curative statement about the importance of ethics and respect for copyrights on a FSBPT-approved website, and complete an ethics course.
4. The Applicant was permitted to re-take the examination one time free-of-charge after she completed the sanction requirements.
5. According to the FSBPT Transfer Score Report, the Applicant took the NPTE examination three times.

6. On her application, the Applicant disclosed that she took the NPTE examination once (July 2012). She did not disclose the canceled score (July 2010) or her two failed attempts (October 2011 and January 2012).

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(2). 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 21st, day of October 2014, by a majority of the Board considering this case:

ORDERED that the Applicant's application for licensure to practice as a physical therapist in the State of Maryland is hereby **GRANTED**; and it is further

ORDERED that within **30 days** from the date of the Consent Order, the Applicant shall pay a monetary fine in the amount of **\$1500**; and be it further

ORDERED that the Applicant's license to practice as physical therapy shall be immediately placed on **PROBATION** for a period of at least **ONE (1) YEAR**, subject to the following terms and conditions:

- i. Within **six (6) months** from the date that this Consent Order is executed, the Applicant shall enroll in and successfully complete the next available offering of the Maryland Physical Therapy Law and Ethics Course or another Board-approved ethics course. The Applicant shall submit proof of her successful completion of the course to the Board;

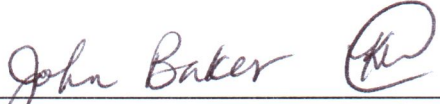
ii. The Applicant shall bear all costs associated with enrollment and completion of the above referenced course, which shall be in addition to the continuing education courses that are required for license renewal.

ORDERED after the conclusion of the entire **ONE (1) YEAR** period of **PROBATION**, the Applicant may file a written petition for termination of her probationary status without further conditions or restrictions, but only if she has satisfactorily complied with all conditions of this Consent Order, including all terms and conditions of probation, and including the expiration of the one (1) 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 show cause 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 2013 Supp.).



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

CONSENT OF NIKISHA GANDHI

I, Nikisha Gandhi, 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.

10/17/2014
Date

Nikisha Gandhi
Nikisha Gandhi, Applicant

Read and approved:

Henry E. Schwartz
Henry E. Schwartz, Esq.
Attorney for Ms. Gandhi

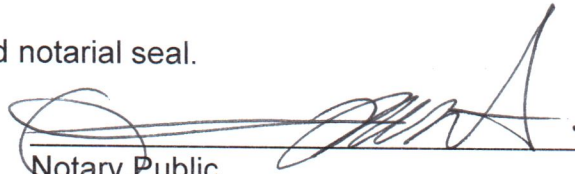
STATE OF MARYLAND

CITY/COUNTY OF Prince Georges :

I HEREBY CERTIFY that on this 17th day of October, 2014 before me, Darwin Alfaro, a Notary Public of the foregoing State and personally appeared Nikisha Gandhi, Applicant, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

DARWIN ALFARO
Notary Public
Prince George's County
Maryland
My Commission Expires Jan. 30, 2018


Notary Public

My Commission Expires: 01-30-2018