

IN THE MATTER OF
JOSEPH J. NICHOLS, PT
LICENSE NO. 18065

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BEFORE THE MARYLAND
BOARD OF PHYSICAL
THERAPY EXAMINERS

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PRE-CHARGE CONSENT ORDER

Background

On May 14, 2009, the Maryland Board of Physical Therapy Examiners (the "Board") received an electronic renewal application filed by Joseph J. Nichols. In his application, Mr. Nichols answered "no" to Questions #8 which asks whether a malpractice action has been filed against the applicant. Subsequently, the Board received notice from Medical Mutual regarding a malpractice payment made on behalf of Mr. Nichols.

In lieu of issuing Charges against Mr. Nichols for violation of the Maryland Physical Therapy Act, Md. Code Ann., Health Occ. § 13-316(1), the Board held a Pre-Charge Case Resolution Conference with Mr. Nichols on April 20, 2010. As a result, the Board and Mr. Nichols have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. On May 14, 2009, Mr. Nichols submitted an electronic renewal application to the Board to renew his physical therapist's license, License No. 18065.
2. On the renewal application, Question #8 asks, "Has anyone filed or settled a malpractice action in which you were named a defendant?" Mr. Nichols answered "no".
3. On July 17, 2009, the Board received a copy of a Medical Malpractice Payment Report from Medical Mutual Liability Insurance indicating that a \$200,000 settlement had been paid out on behalf of Mr. Nichols on June 15, 2009, with no admission of liability.
4. As the malpractice claim was filed against Mr. Nichols in or around January 2007, the

Board also reviewed Mr. Nichols' 2007 renewal application. Mr. Nichols also failed to correctly answer Question #8 on his 2007 renewal application.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Mr. Nichols is subject to discipline in accordance with Md. Code Ann., Health Occ. § 13-316(1).

ORDER

Based on an affirmative vote of the Board, it is this 18th day of May, 2010, hereby:

ORDERED that Mr. Nichols' license to practice physical therapy shall be REPRIMANDED; and be it further,

ORDERED that within sixty (60) days of the date of this Consent Order, Mr. Nichols shall pay a FINE of \$500, payable to the Maryland Board of Physical Therapy Examiners; 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).

May 18, 2010
Date

Margery Rodgers, P.T.
Margery Rodgers, P.T. 221
Chair, Board of Physical Therapy Examiners

CONSENT

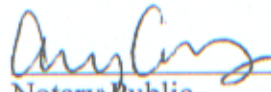
1. By signing this Consent, I submit to the foregoing Consent Order as a resolution of this matter in lieu of formal charges, which process would have afforded me the right to a full evidentiary hearing. I consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order as if made 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.

5/7/10
Date

Joseph J. Nichols P.T.
Joseph J. Nichols, P.T.

STATE OF Delaware :
COUNTY/CITY OF Sussex :

I hereby certify that on this 7th day of May, 2010, before me, a Notary Public of the State and County/City aforesaid, personally appeared JOSEPH J. NICHOLS and made an oath in due form that the foregoing Consent was his voluntary act and deed.



Notary Public

My commission expires: Oct 31, 2013

AMY B. COSGROVE
Notary Public
STATE OF DELAWARE
My Commission Expires 10-31-2013

MD Board Of Physical Therapy

MAY 10 2010