

IN THE MATTER OF * **BEFORE THE MARYLAND**
MARCIA ROSENBERG, P.T. * **STATE BOARD OF**
LICENSE NO. 15005 * **PHYSICAL THERAPY**
* **EXAMINERS**

* * * * *

PRE-CHARGE CONSENT AGREEMENT

Procedural Background

The Maryland Board of Physical Therapy Examiners (the "Board") and Marcia Rosenberg, P.T. (the "Respondent") have agreed, in lieu of filing formal charges, to enter into this Pre-Charge Consent Agreement. This Pre-Charge Consent Agreement is based upon the Board's belief and the Respondent's consent that the following findings of fact are true and accurate, and that these findings of fact substantiate a violation of the Maryland Physical Therapy Act, Health Occ. § 13-101 *et seq.*

FINDINGS OF FACT

1. Ms. Rosenberg was initially licensed to practice physical therapy in the State of Maryland on August 19, 1980.
2. In the 1995-97 renewal period, Ms. Rosenberg failed to timely renew her license, resulting in a period of unauthorized practice for approximately 30 days.
3. Ms. Roseberg's license is currently expired, with an expiration date of May 31, 2007.
4. In March 2007, the Board sent Ms. Rosenberg a renewal application for the 2007-2009 renewal term. Ms. Rosenberg failed to renew her license with the Board.
5. Although her license expired on May 31, 2007, Ms. Rosenberg continued to practice physical therapy without a license until August 28, 2007.

6. On August 31, 2007, Ms. Rosenberg wrote to the Board indicating that she had inadvertently failed to renew her license and had treated pediatric patients on the expired license from June 1, 2007 through August 28, 2007.

7. The Board received a reinstatement application from Ms. Rosenberg on September 3, 2007.

8. Respondent maintains that she never received the renewal application notice.

CONCLUSIONS OF LAW

Ms. Rosenberg engaged in the unauthorized practice of physical therapy from June 1, 2007, to August 28, 2007, in violation of Md. Code Ann., Health Occ. §§ 13-301 and 13-402.

ORDER

Based on agreement of the parties, it is this 28 day of SEPT., 2007, by an affirmative vote of a majority of the Board, hereby,

ORDERED that Ms. Rosenberg shall enroll in and successfully complete the Board-approved law and ethics course within six (6) months of the date of this Consent Agreement; and be it further,

ORDERED that Ms. Rosenberg shall immediately notify her employer of her licensure lapse of June 1 through August 28, 2007; and be it further

ORDERED that Ms. Rosenberg shall pay a fine of \$250.00 within 90 days of the date of this Consent Agreement; and be it further,

ORDERED that Ms. Rosenberg shall be responsible for all costs associated with fulfilling the terms of this Consent Agreement; and be it further,

ORDERED that this Pre-Charge Consent Agreement has the full force and effect of a formal Board order and that any violation of the terms and conditions herein shall constitute unprofessional conduct in the practice of physical therapy, in addition to any other applicable grounds under the Maryland Physical Therapy Act; and be it further,

ORDERED that this is a public document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617(h).

Sept. 28, 2007
Date


Margery Rodgers, P.T.
Chair

CONSENT

I, MARCIA ROSENBERG, License Number 15005, by affixing my signature hereto, acknowledge that:

1. I have had the opportunity to consult with counsel before signing this document.
2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Code Ann., Health Occ. § 13-317 and Md. Code Ann., State Gov't § 10-201 *et seq.*
3. I acknowledge the validity and enforceability of this Consent Agreement as if entered after a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on by own behalf, and to all other substantive and procedural protections provided by law. I am waiving those procedural and substantive protections.
4. I voluntarily enter into and consent to the foregoing Findings of Fact, Conclusions of Law, and Order and agree to abide by the terms and conditions set forth herein as a resolution of the charges that would have been issued by the Board. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, and any right to appeal this Consent Agreement as set forth in Md. Code Ann., Health Occ. § 13-318 and Md.

Code Ann., State Gov't § 10-201 *et seq.*

5. I acknowledge that by failing to abide by the terms and conditions set forth in this Consent Agreement, I may be subject to disciplinary action, which, after notice and a hearing, may include suspension or revocation of my license to practice physical therapy in the State of Maryland.

6. I sign this Consent Agreement without reservation, as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning and effect of this Consent Agreement.

9/28/07
Date

Marcia Rosenberg, P.T.
Marcia Rosenberg, P.T.

STATE OF MARYLAND
COUNTY/CITY OF HOWARD:

I hereby certify that on this 28th day of Sept, 2007, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared MARCIA ROSENBERG, and made an oath in due form that the foregoing Consent was her voluntary act and deed.

DORIS MORRIS ENGLISH
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires September 22, 2010

Doris Morris English
Notary Public
My commission expires: Sept 2010