

IN THE MATTER OF	*	BEFORE THE MARYLAND
BRANDON C. SABOL, P.T.	*	BOARD OF PHYSICAL
RESPONDENT	*	THERAPY EXAMINERS
LICENSE NO.: 25151	*	Case No.: PT 21-20

* * * * *

FINAL ORDER OF REVOCATION OF PHYSICAL THERAPY LICENSE

On September 21, 2021, the Maryland Board of Physical Therapy Examiners (the “Board”) notified **BRANDON C. SABOL, P.T.** (the “Respondent”), License Number 25151, of its intent to revoke the Respondent’s license to practice as a physical therapist (“P.T.”) in the State of Maryland pursuant to its authority under the Maryland Physical Therapy Act (“the “Act”), Md. Code Ann., Health Occ. § 13-101 *et seq.* (2014 Repl. Vol. and 2020 Supp.) The Notice informed the Applicant that unless he requested a hearing in writing within 30 days of the date of the mailing of the Notice, the Board intended to sign this Final Order of Revocation of Physical Therapy License, which was enclosed with the Notice. More than 30 days have elapsed, and the Applicant failed to request a hearing. Therefore, the revocation of the Respondent’s license is final.

The pertinent provisions of § 13-316 of the Act provide:

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:

- ...
- (10) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court or any state or

country ...for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

The underlying grounds for disciplinary action under Health Occ. § 13-316 are as follow:

...
(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[.]

The Board further charges the Respondent with violations of the Board's sexual misconduct regulations:

COMAR 10.38.02.02 Sexual Misconduct.

A. A physical therapist...may not engage in sexual misconduct.

Sexual misconduct is defined in Health Occ. § 1-212 as follows:

§ 1-212. Sexual misconduct prohibited; regulations; discipline

...
(b) *Sexual misconduct.* For the purposes of the regulations adopted in accordance with subsection (a) of this section, "sexual misconduct" shall be construed to include, at a minimum, behavior where a health care provider:

...
(3) Has engaged in any sexual behavior that would be considered unethical or unprofessional according to the code of ethics, professional standards of conduct, or regulations of the appropriate health occupations board under this article.

FINDINGS OF FACT

The Board finds:

1. At all times relevant hereto, the Respondent was licensed to practice as a physical therapist in the Sate of Maryland under License Number 25151. The Respondent

was originally licensed in Maryland on August 13, 2014. His license was scheduled to expire on May 31, 2021; however, by Executive Order the expiration date was extended until June 30, 2021.¹

2. The Respondent also holds an active license to practice physical therapy in West Virginia. The Respondent was originally licensed in West Virginia under License Number PT003425. His license is scheduled to expire on December 31, 2022.
3. On or about June 26, 2021, the Board received from the West Virginia Board of Physical Therapy (“West Virginia Board”) notification that it had taken an adverse action against the Respondent.
4. By *Order Suspending Respondent’s License and Notice of Hearing* dated June 25, 2021, the West Virginia Board summarily suspended the Respondent based on his May 18, 2021 indictment in the United States District Court for the Northern District of West Virginia (Case Number: 3:21CR20-001) (the “Indictment”).
5. The Indictment charged the Respondent as follows:

Count I- Distribution of Child Pornography- the Respondent knowingly distributed child pornography that involves a visual depiction of sexually explicit conduct involving the use of a minor engaged in sexually explicit conduct in violation of Title 18, United States Code, Section 2256A(8)(A), that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1); and

¹ By Executive Order dated March 12, 2020, the Maryland State Governor ordered that the expiration date of permits, licenses, registrations, and other governmental authorizations be extended until after the state of emergency and catastrophic health emergency related to Covid-19 had ended. The March 12, 2020 Executive Order applied to all licenses that would otherwise expire during the state of emergency and would be renewable during the state of emergency under applicable laws and regulations. By Executive Order No. 21-03-09-03 dated March 9, 2021, the Governor extended the expiration date until June 30, 2021.

Count II – Possession of Child Pornography - the Respondent knowingly possessed an image of child pornography, as defined in Title 18, United States Code, Section 2256(8), which had been transported in interstate and foreign commerce by computer, and that involved a pre-pubescent minor who had not attained 12 years of age, in violation of Title 18, United States Code, Sections 2252A(5)(B) and 2252A(b)(2).

6. The United States District Court's *Order Setting Conditions of Release* requires the Respondent, in pertinent part, to participate in mental health counseling and prohibits him from associating with children under the age of 18, except in the company of responsible adult who is fully aware of the Respondent's background, and who has been approved by the U.S. Pretrial Services Officer or supervising officer.
7. By Order dated July 6, 2021, the West Virginia Board issued a *Waiver of Summary Suspension Hearing* that provided that the Respondent had freely and voluntarily waived his right to a hearing on the summary suspension and that his license remained suspended.
8. The Respondent also hold an active license to practice physical therapy in Virginia.
9. Effective July 12, 2021, the Virginia Department of Health Professionals issued an *Order of Mandatory Suspension* of the Respondent's license to practice physical therapy in Virginia. The Virginia Department issued the Order after receiving evidence that the Respondent's West Virginia license had been summarily suspended and that the Respondent had waived his right to a hearing on the summary suspension.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent was disciplined by licensing authorities for acts that would be grounds for discipline under the Act, in violation of Health Occ. § 13-316(10). The underlying disciplinary grounds are: Health Occ. § 13-316(15); - Violates any provision of this title or rule or regulation adopted by the Board; and Health Occ. § 13-316(19) – Commits and act of unprofessional conduct in the practice of physical therapy or limited physical therapy. The Respondent further violated COMAR 10.38.32.32A, a provision of the Board's sexual misconduct regulations.

ORDER

It is, on the affirmative vote of the Board, hereby

ORDERED that the license of **Brandon C. Sabol, P.T.** to practice physical therapy in Maryland, is **REVOKED**; and it is further

ORDERED that this is an Order of the Board, and as such, is a **PUBLIC DOCUMENT**. Md. Code Ann., Health Occ. § 1-607, and Md. Code Ann., Gen. Prov. § 4-333(b)(6).

September 21, 2021

Date



Lauren Kendall-Ellis, P.T., C.A.E.
Executive Director
Maryland State Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 13-318(b), the Applicant has the right to seek judicial review of this Final Order. Any petition for judicial review shall be filed within thirty (30) days from the date of this mailing of this Final Order. The cover letter accompanying this Final Order indicates the date it was mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the applicant files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

Maryland State Board of Physical Therapy Examiners
Lauren Kendall-Ellis, P.T., C.A.E., Executive Director
4201 Patterson Avenue
Baltimore, Maryland 21215

Notice of any petition should also be sent to the Board's counsel at the following address:

Brett Felter
Assistant Attorney General
Maryland Department of Health
300 W. Preston Street
Baltimore, Maryland 21201