

IN THE MATTER OF

ROBERT TARGAN, <sup>et</sup> ~~P.F.~~

\* BEFORE THE  
\* STATE BOARD OF PHYSICAL  
\* THERAPY EXAMINERS

RESPONDENT

\* Case No. 07-0193

\* \* \* \* \*

**FINAL ORDER**

**Procedural Background**

This case arose from complaints received by the Board of Physical Therapy Examiners (the "Board") alleging that Robert Targan (the "Respondent"), an unlicensed individual, was engaging in the unauthorized practice of physical therapy. Based upon this information and pursuant to its authority under the Maryland Physical Therapy Act, *Md. Code Ann.*, Health Occ. ("H.O.") §13-101 *et seq.* (the "Practice Act"), the Board issued formal charges against the Respondent on September 16, 2008, for violating the Practice Act. On October 10, 2008, the Board received Mr. Targan's timely written request for a hearing. Mr. Targan also requested that counsel be appointed based on his inability to afford an attorney, and that the charges be dismissed based on double jeopardy and lack of jurisdiction. On February 17, 2009, the Board denied Mr. Targan's motion to dismiss and proceeded with an evidentiary hearing before a quorum of the Board, in accordance with the Maryland Administrative Procedure Act, *Md. Code Ann.*, State Gov't § 10-201 *et seq.*, and the Board's regulations, COMAR 10.38.05. On that same date, February 17, 2009, the Board convened for a final decision in the case.

## SUMMARY OF THE EVIDENCE

### A. Documents.

The following documents were admitted into evidence.

- State's Exhibit No. 1 - Board's Cease and Desist Letter, dated 2/8/07
- State's Exhibit No. 2 - News Articles
- State's Exhibit No. 3A - Docket Entries
  - B - Transcript of 9/19/07 Plea hearing
  - C - Transcript of 11/14/07 Sentencing hearing
  - D - Case information
- State's Exhibit No. 4A - Charges, dated 9/16/08
  - B - Respondent's Letter, dated 10/10/08  
(inadvertently dated 10/10/09)
  - C - Board's hearing notice, dated 10/24/08
- State's Exhibit No. 5 - Licensure search for P.T.'s: M.S., D.D., A.F., R.A., S.D., and G.A.
- State's Exhibit No. 6A - Complaint received 9/5/06 from R.C. against Mr. Targan
  - 6B - Complaint received 11/20/06 from M.E. against Mr. Targan
- Respondent's Ex. A - PT's employed by the Targan Group
- Respondent's Ex. B - "About Face", Fall 2001 issue
- Respondent's Ex. C - "About Face", Summer 2000 issue
- Respondent's Ex. D - California Miramar University, 7/20/07
- Respondent's Ex. E - Conference on Facial Paralysis Update, 3/8-9/09

**B. Witness Testimony.**

**State's Witnesses:**

Ernest Bures, Investigator, Board of Physical Therapy Examiners

**Respondent's Witnesses:**

Robert Targan, Respondent

**FINDINGS OF FACT**

Based upon the evidence admitted into the administrative record of this matter, the Board finds the following:

1. The Respondent is not nor has <sup>not</sup> never been a licensed physical therapist or licensed physical therapist assistant in Maryland or in any other state. (State's Ex. 1)
2. The Respondent was licensed as pharmacist in Pennsylvania, but his licensed was suspended in 1984-85 based on exclusion from the Medicare/Medicaid programs. The Respondent currently holds a pharmacist's license in New Jersey. (State's Ex. 3B, p. 26; State's Ex. 3C, p. 155-56)
3. At all times relevant hereto, the Respondent operated the "National Centers for Facial Paralysis" which was headquartered in Montgomery County, Maryland. The Respondent also had many branch offices across the country. (State's Ex. 2; T. 12; Resp.'s Exs. B, C)
4. The Respondent, through his internet website and other medium, purported to treat individuals primarily suffering from Bell's Palsy, which is a condition of facial paralysis. (State's Ex. 3C, pp. 107; Resp.'s Exs. B, C)

5. The Respondent's "treatment" included applying electrical stimulation inside the mouths of his patients. (T. 84-85; State's Ex. 3C, p. 109)

6. The Respondent would also apply electrodes to the exposed breasts of female patients as well as "examining" the breasts for certain "blockages". (T. 81-82; State's Ex. 3C, pp. 111-12, 124-25) There was often no other personnel in the Respondent's office when the Respondent was testing the breast area of his patients. (State's Ex. 3C, pp. 112, 114, 124, 127)

7. The Respondent personally performed physical therapy on individuals at his Montgomery County office by evaluating their conditions, setting up a treatment plan, and performing electrical stimulation of certain areas. (State's Ex. 3B, p. 9, 12-13, 17-18, 20; State's Ex. 3C, pp. 109-110, 134)

8. The Respondent charged his patients thousands of dollars for the testing and treatment rendered by the Respondent. These treatments were not covered by third party payors. (State's Ex. 3C, pp. 114, 134)

9. The Respondent wore a white laboratory coat with a tag stating "Dr. Targan".<sup>1</sup> (State's Ex. 3B, p. 10; State's Ex. 3C, p. 126)

10. On August 30, 2006, the Board received a complaint from a physical therapist in Kentucky against the Respondent alleging that the Respondent was not a licensed medical provider yet was "doing physical therapy in the form of evaluations, manual therapy, and electrical stimulation on patients to treat their facial paralysis." (State's Ex. 6)

11. On November 30, 2006, the Board received another complaint from an individual in Illinois against the Respondent. (State's Ex. 6)

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<sup>1</sup> Mr. Targan's offices were adorned with numerous degrees and certifications from entities that either did

12. On February 8, 2007, the Board sent the Respondent a Cease and Desist letter advising him of the requirements of licensing and the penalties for not being licensed while practicing physical therapy. The Board also referred the matter to the State's Attorney's office of Montgomery County for possible criminal prosecution. (State's Ex. 1)

13. On March 30, 2007, the Respondent was indicted by the Grand Jury of Montgomery County for 91 counts, including stolen credit cards, practicing physical therapy without a license, theft over \$500, misrepresentation as a medical practitioner, sexual offense – fourth degree, and second degree assault. (State's Ex. 3D)

14. On September 19, 2007, the Respondent pled not guilty, with an agreed statement of facts. The Montgomery County Circuit Court found the Respondent guilty of nine (9) counts of practicing physical therapy without a license, twelve (12) counts of theft over \$500, and two (2) counts of misrepresentation as a physician. (State's Exs. 3A, 3B)

15. On November 14, 2007, the Respondent was sentenced to three (3) years incarceration, with all but two years and nine months suspended, followed by five years of supervised probation for practicing physical therapy without a license. The Respondent received additional concurrent sentences for his convictions on the other counts. The Respondent was also ordered to pay over \$40,000 in restitution to the victims. (State's Exs. 3A, 3C)

### **OPINION AND SANCTION**

The Board takes seriously its mandate to protect the public, particularly from unlicensed imposters who cause physical and financial harm to their victims. The

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not exist or did not offer those degrees or certifications.

egregious actions of the Respondent warrant the imposition of the maximum civil monetary penalty. The Board has never before been confronted with such brazen disregard for physical therapy licensure laws. The Respondent not only openly and aggressively engaged in unlicensed practice, but he did so with a population that was vulnerable and desperate for help. The Respondent took advantage of these individuals suffering from Bell's Palsy for his own financial benefit. He charged these victims large amounts of money, thousands of dollars each, for treatments he was not authorized, nor medically trained to perform. In addition, he intentionally misled the victims as to his complete lack of professional licensure. It is for these reasons that the Board invested much time and effort in investigating the complaints against the Respondent.

The Board believes that the Respondent, through his actions, has caused direct and immense physical, emotional, and financial harm to the public, in addition to tarnishing the profession of physical therapy. To date, the Respondent has yet to acknowledge any accountability for his actions, and incredulously maintains that his actions were completely legal and ethical. He denies performing physical therapy, despite his criminal conviction to the contrary. He insists that his testing and examination of the breasts of his female patients was legitimate, and denies any misrepresentation as a physical therapist or physician notwithstanding the persuasive testimony of the victims at the Respondent's criminal sentencing hearing. Without a shred of remorse or accountability, the Board cannot find any mitigating factors in favor of the Respondent.

**CONCLUSIONS OF LAW**

Based upon the foregoing findings of fact and opinion, the Board concludes that the Respondent violated Health Occupations Article § 13-401, and is subject to a civil fine in accordance with Health Occupations Article § 13-407(b).

**ORDER**

Based on the foregoing Findings of Fact, Opinion, and Conclusion, by a unanimous decision of a quorum of the Board it is hereby:

**ORDERED** that the Respondent is assessed a civil fine of \$50,000; and be it further,

**ORDERED** that this is a final order of the Maryland Board of Physical Therapy Examiners and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't Art., §§10-611, *et seq.*

May 19, 2009  
Date

Margery F. Rodgers, P.T.  
Margery Rodgers, P.T.  
Chair

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Code Ann., Health Occ. Art., §13-318, you have the right to appeal the Board's final decision to the Department of Health and Mental Hygiene Board of Review. In accordance with COMAR 10.01.05, a notice of appeal shall be filed within thirty (30) days of your receipt of this Final Decision and Order.