Marwan Khayat, P.T.
1715 15th Street, Apartment 19
Washington, D.C. 20009

Date: DECEMBER 3, 2009

Margery Rodgers, P.T., Chairperson
Maryland Board of Physical Therapy Examiners
4201 Patterson Avenue
Baltimore, Maryland 21215

RE: Surrender of License to Practice Physical Therapy
License Number: 21674
MBP Case Number: PT-10-06

Dear Ms. Rodgers and Members of the Board:

I have decided to **SURRENDER** my license to practice physical therapy in the State of Maryland, License Number 21674 (D.O.B. 02/02/1979). I understand that the surrender of my license means that I may not practice physical therapy, as it is defined in the Maryland Physical Therapy Act (the "Act"), codified at Md. Code Ann., Health Occupations ("Health Occ.") §§ 13-101, *et seq.*, (2009 Repl. Vol.). In other words, I understand that the surrender of my license means that I am in the same position as an unlicensed individual. This Letter of Surrender shall become effective immediately upon the date of acceptance by the Maryland Board of Physical Therapy Examiners (the "Board").

I understand that this Letter of Surrender is a **PUBLIC** document and on the Board's acceptance becomes a **FINAL ORDER** of the Board.

My decision to surrender my license to practice physical therapy in the State of Maryland has been prompted by an investigation of my license by the Board and the Office of the Attorney General. The investigation resulted in the Board's issuance of a Order for Summary Suspension in Board Case Number PT-10-06. **[See Order for Summary Suspension, incorporated in its entirety as Attachment 1]** I have decided to surrender my license to practice physical therapy in the State of Maryland to avoid further disciplinary action before the Board.

I acknowledge that the Board initiated an investigation of this matter and that on October 20, 2009, voted to summarily suspend my license to practice physical therapy pursuant to its authority under Md. Code Ann., State Government ("State Govt.") § 10-226(c)(2009 Repl. Vol.). Specifically, the Board acted based upon its investigative findings that I engaged in inappropriate sexual contact with two female patients during treatment sessions, and that I had a brief

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sexual relationship with a third female patient. I admitted to these allegations during an interview with Board staff, and in a letter to the Board.

I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender to avoid further prosecution under the Act and to resolve this matter. I acknowledge that if the case proceeded, the Board would charge me with violations under the Act. Further, the case would proceed to an evidentiary hearing, where the Board would submit evidence to support the investigatory findings it made in this case. I acknowledge that for all purposes relevant to licensure, those investigative findings will be treated as if proven.

I understand that by executing this Letter of Surrender I am waiving any right to contest any charges that would issue from the Board's investigative findings in a formal evidentiary hearing at which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and all other substantive and procedural protections provided by law, including the right to appeal.

I understand that the Board will advise the National Practitioner's Data Bank of this Letter of Surrender, and in response to any inquiry, will advise that I have surrendered my license in lieu of disciplinary action under the Act as a resolution of the matters pending against me. I also understand that, in the event that I would apply for licensure in any form in any other state or jurisdiction, that this Letter of Surrender, and all underlying documents, may be released or published by the Board to the same extent as a Final Order that would result from disciplinary action pursuant to State Govt. § 10-611 *et seq.* (2009 Repl. Vol.). Finally, I understand that this Letter of Surrender is considered a disciplinary action by the Board.

I affirm that as of the date of this Letter of Surrender, I will present to the Board my original Maryland physical therapy license number 21674, and my most recent wallet-sized renewal card.

I recognize and agree that by submitting this Letter of Surrender, my license will remain surrendered until such time as I apply for reinstatement and comply with the terms and conditions set forth in this Letter and those determined by the case resolution conference committee and/or the Board. I acknowledge that I shall not apply for reinstatement of my Maryland license to practice physical therapy before the following terms and conditions are met:

1) Submit to a psychiatric/psychological evaluation that opines on my ability to safely practice physical therapy in light of the investigative findings, and provide a copy of the report to the Board;
2) Follow any and all recommendations set forth in the psychiatric/psychological evaluation;

3) Enroll in and successfully complete a Board-approved individualized professional ethics tutorial addressing sexual boundary violations with patients, with the costs of the tutorial to be borne by me;

I acknowledge that I shall not apply for reinstatement of my Maryland license to practice ~~respiratory care~~ physical therapy before the expiration of **two (2) years** after the date on which the Board accepts this Letter of Surrender.

In the event that I apply for reinstatement of my Maryland license to practice physical therapy or for the issuance of a new Maryland license, I understand that the Board may set terms and conditions that shall apply to my receiving a reinstated Maryland license or a new Maryland license, including but not limited to a probationary period. I also understand that if I apply for reinstatement or for a new Maryland license that I bear the burden of demonstrating to the Board that I am competent to practice physical therapy and possess good moral character, as specified in Health Occ. §§13-302 and 13-303. I understand that if I determine that if I would like once again to practice in Maryland, I will approach the Board in the same posture as one whose license has been revoked for violation of the Act.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have consulted with an attorney before signing this Letter of Surrender. I understand both the nature of the Board's actions and this Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

Sincerely,

December 3, 2009

Marwan Khayat, P.T.

NOTARY SEAL

~~STATE OF MARYLAND~~
~~CITY/COUNTY~~: DISTRICT OF COLUMBIA

I HEREBY CERTIFY that on ~~this~~ 30th day of ~~NOVEMBER~~, 2009, before me, a Notary Public of the ~~State and City/County~~ DISTRICT OF COLUMBIA aforesaid personally appeared Marwan Khayat and declared and affirmed under the penalties of perjury that signing the foregoing Letter of Surrender was his voluntary act and deed.

Notary Public

Alfred Neville Olsen
Notary Public, District of Columbia
My Commission Expires 5/14/2012

Reviewed by:

Yaron Deskalo, Esquire

ACCEPTANCE

On behalf of the Maryland Board of Physical Therapy Examiners, on this 15th day of ~~November, 2009,~~ December, 2009 I accept Marwan Khayat's **PUBLIC SURRENDER** of his license to practice physical therapy in the State of Maryland.

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