

<b>IN THE MATTER OF</b> <b>ANTHONY ANDERSON</b> <b>PHYSICAL THERAPIST ASSISTANT</b> <b>LICENSE NO. A1168</b>	* * * *	<b>BEFORE THE MARYLAND</b> <b>BOARD OF PHYSICAL</b> <b>THERAPY EXAMINERS</b>  <b>Case No. PT 14-37</b>
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**CONSENT ORDER TERMINATING**  
**SUMMARY SUSPENSION**

**Background**

Based on information received and a subsequent investigation by the Maryland State Board of Physical Therapy Examiners (the “Board”), and subject to the Maryland Physical Therapy Act (the “Act”), Md. Code Ann., Health Occ. §§ 13-101 *et seq.* (2014 Repl. Vol.), and the Maryland Administrative Procedure Act, Md. Code Ann., State Gov’t §§ 10-201 *et seq.* (2014 Repl. Vol.), the Board issued an Order for Summary Suspension, dated July 22, 2014, in which it summarily suspended the license to practice as a physical therapist assistant held by Anthony Anderson (the “Respondent”). Specifically, the Board found that reliable evidence demonstrated that a threat to the public health, safety, or welfare required emergency action, pursuant to Md. Code Ann., State Gov’t § 10-226(c)(2).

On November 18, 2014, the Board held a hearing before a quorum of the Board to allow the Respondent the opportunity to show cause why he did not pose an imminent threat to the health, safety, or welfare of the public, and why the summary suspension should be lifted. The Board now finds that the Respondent does not pose an imminent threat to the health, safety, or welfare of the public, provided that he comply with the terms and conditions set forth in this Consent Order.

## FINDINGS OF FACT

1. The Respondent is licensed to practice limited physical therapy in the State of Maryland under License Number A1168. The Respondent was first licensed on August 9, 1983. The Respondent's license is active and scheduled to expire on May 31, 2016.

2. On May 31, 2014, the Respondent's license to practice limited physical therapy in Maryland expired. On or about June 10, 2014, the Respondent appeared at the Board's office to reinstate his license. Although the Respondent had applied for reinstatement on prior occasions, it was necessary for the Board Licensing Coordinator to explain to the Respondent the reinstatement process several times.

3. On or about June 27, 2014, the Respondent appeared at the Board's office to pick up his license.<sup>1</sup> The Board staff member who had processed the Respondent's paperwork observed that it had a definite odor of (ethyl) alcohol.

4. Having overheard Board staff's remark that the Respondent's paperwork smelled of alcohol, the Board's Compliance Manager reviewed the Respondent's 2014 reinstatement application and thereafter checked the Respondent's responses to questions contained therein against the Maryland Judiciary website for possible alcohol-related arrests.

5. The Respondent answered "no" to all of the personal attestation questions on the reinstatement application, including Questions 6, 12, and 13, which state, respectively:

- a. Have you committed a criminal act to which you pled guilty or nolo contendere or for which you were convicted or received probation before judgment?

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<sup>1</sup> The Respondent's reinstatement application was processed. When interviewed by Board staff on July 8, 2014, the Respondent stated that he had not worked as a physical therapist assistant during the time his license was expired.

- b. Have you committed an offense involving alcohol or controlled dangerous substances to which you plead guilty or nolo contendere for which you were convicted or received probation before judgment?; and
  - c. Have you engaged in any form of alcohol or substance abuse?
6. On his application, the Respondent signed an affidavit stating that the facts and statements contained in the application were true to the best of his knowledge and belief.
7. The Maryland Judiciary website revealed that the Respondent had been arrested on several occasions dating back to 1986 for criminal narcotic violations, as follows:
- a. The Respondent was charged with possession of marijuana on July 2, 2002. After a “not guilty” plea, the Court found the Respondent guilty and fined him \$100.00;
  - b. The Respondent was charged with two counts of possession of a controlled dangerous substance other than marijuana on August 26, 1992. The Respondent pled guilty, and the Court found him guilty on both counts and imposed a two year jail sentence, which was suspended, and a \$100.00 fine; and
  - c. The Respondent was charged with possession of a controlled dangerous substance other than marijuana on November 5, 1986. On December 4, 1986, the Court found the Respondent guilty and imposed a \$250.00 fine
8. The Compliance Manager reviewed the Respondent’s biennial licensure applications from 2000 through 2012. At no time did the Respondent disclose to the Board his criminal narcotic convictions. On his 2012 renewal application, the Respondent responded to

Question 13 that, “I am currently on the Federal Mandateed(*sic*) Program.” The Respondent provided no explanation of his response.<sup>2</sup>

9. On June 27, 2014, in furtherance of the Board investigation, the Compliance Manager subpoenaed true test copies of Baltimore City Police Reports for each of the Respondent’s arrests.

10. On July 2, 2014, the Compliance Manager and a Board investigator appeared at the Respondent’s place of employment and served the Respondent with a subpoena to appear at the Board to be interviewed on July 8, 2014.

11. While serving the subpoena, the Compliance Manager noted that the Respondent’s eyes were glassy and bloodshot. The Respondent stated that his eyes “stayed red” and that he used drops often.

12. The Compliance Manager asked the Respondent if he would be able to pass a drug test if one were given to him. The Respondent responded that he could pass the test for everything except marijuana. The Respondent further stated that he uses marijuana once a day, after work, to relax.

13. On July 8, 2014, the Compliance Manager and investigator interviewed the Respondent under oath. During the interview, the Respondent acknowledged that he had been arrested for possession of cocaine in 1986. The Respondent further stated that his 1992 arrest on two counts of CDS possession may have been for cocaine and heroin.

14. When questioned during the interview regarding his recent drug use, the Respondent stated he had used cocaine since “about the 80s” and was still using it “on and off

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<sup>2</sup> On his 2002 renewal application, the Respondent also disclosed that the Board had taken disciplinary action against him. On June 12, 2001, the Respondent entered into a consent order with the Board based on violations of the Act unrelated to the issues in this case. The Respondent was suspended for one year (with all but two months stayed), placed on probation for two years, and required to pass the Board’s law exam and take a Board-approved documentation course.

until last year some time.” The Respondent stated that he had used cocaine and crack cocaine “three times out of the week” and heroin every day before he enrolled in a methadone program six or seven years ago.

15. The Respondent stated that he “might have tried some [heroin] within the last year” and crack cocaine during that time as well. The Respondent acknowledged that he had failed some drug tests at his methadone program “within the past few months,” “probably” for cocaine.

16. When the Respondent was asked why he did not disclose any of his convictions on his licensure applications, the Respondent stated that he did not want the Board to know about them because he did not want to lose his license.

17. On July 22, 2014, the Board issued an Order for Summary Suspension, immediately suspending the Respondent’s license to practice limited physical therapy, based on a finding that a threat to the public health, safety, or welfare required emergency action, pursuant to Md. Code Ann., State Gov’t § 10-226(c)(2).

18. Following the Respondent’s request, the Board held a Show Cause Hearing with the Respondent in front of a quorum of the Board on November 18, 2014, to allow the respondent the opportunity to show cause why he did not pose an imminent threat to the health, safety, or welfare of the public, and why the summary suspension should be lifted.

19. At the Show Cause Hearing, the Respondent acknowledged his previous issues and stated that he was not currently using any illegal drugs outside of drugs lawfully prescribed as part of his methadone treatment program. The Respondent also provided the Board with letters of support from his current employer and from a social worker at the drug treatment program he is enrolled in with the Department of Veterans Affairs.

**CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board finds that the Respondent violated Md. Code Ann., Health Occ. §§ 13-316(1), (7), (8), (15), (17), and (19).

**ORDER**

Based on agreement of the parties, it is this 20<sup>th</sup> day of January, 2015, by an affirmative vote of the Board, hereby:

**ORDERED** that the Respondent's summary suspension be terminated as moot; and be it further,

**ORDERED** that the Respondent be placed on immediate PROBATION for at least FIVE (5) YEARS, during which he shall:

1. Submit to random, Board-ordered urine screenings on a twice-monthly basis; and
2. Continue his participation in the substance abuse program he is enrolled in with the Department of Veterans Affairs; and be it further,

**ORDERED** that after one (1) year of probation, the Respondent may petition the Board for modification of the probationary terms herein, including the frequency of the Board-ordered urine screenings, provided that he has been fully compliant with the terms of probation and does not have any pending complaints filed against him; and be it further,

**ORDERED** that after five (5) years of probation, the Respondent may petition the Board to terminate probation, provided that he has been fully compliant with the terms of probation and does not have any pending complaints filed against him; and be it further,

**ORDERED** that all urine screens submitted under this Consent Order shall be:

1. Submitted by the Respondent within 24 hours of Board staff instructing him to submit a urine sample;

2. Submitted at a CLIA-certified laboratory;
3. Observed; and
4. Negative for any controlled dangerous substance, narcotics, alcohol, cocaine, or other mood-altering substance, except as provided below; and be it further,

**ORDERED** that the Respondent shall abstain from the ingestion of controlled dangerous substances, narcotics, alcohol, cocaine, or other mood-altering substances, except that the Respondent may ingest prescribed controlled dangerous substances for legitimate medical reasons under the following conditions:

1. The Respondent must be a bona fide patient of a licensed Maryland prescriber who is aware of this order;

2. The medication must be lawfully prescribed by the Respondent's physician or other authorized medical practitioner; and

3. The Respondent must provide the Board, in writing, within seventy-two (72) hours of receiving the medication:

- a. The name and address of the prescriber;
- b. The illness or medical condition diagnosed;
- c. The type, strength, amount, and dosage of the medication; and
- d. A signed statement consenting to the release of all medical information about the Respondent from the prescriber to the Board; and be it further,

**ORDERED** that the Respondent's execution of this Consent Order shall constitute a release of any and all medical records, substance abuse treatment records, and psychological/psychiatric records pertaining to the Respondent to the Board in complying with the terms and conditions set forth herein; and be it further,

**ORDERED** that the Respondent shall agree and consent to the release by the Board of any information or data produced in relation to this Consent Order to any treatment provider; and be it further,

**ORDERED** that the Respondent shall at all times cooperate with the Board in the monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of this Consent Order; and be it further,

**ORDERED** that the Respondent's failure to fully cooperate with the Board shall be deemed a violation of this Consent Order; and be it further,

**ORDERED** that the Respondent shall at all times practice in accordance with all laws and regulations governing the practice of limited physical therapy in Maryland; and be it further,

**ORDERED** that in the event the Board finds in good faith that the Respondent has violated any of the conditions of probation herein, or in the event the Board finds in good faith that the Respondent has committed a violation of Title 13 of the Health Occupations Article or regulations adopted thereunder, the Board may immediately summarily suspend the Respondent's license prior to a hearing, provided that the Respondent is given the opportunity for a show cause hearing within a reasonable time of such action, and may take further disciplinary action against the Respondent, including but not limited to revoking the Respondent's license, provided that the Respondent is first given notice and opportunity for a hearing; and be it further,

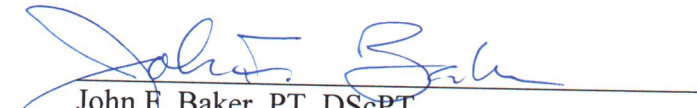
**ORDERED** that the Respondent shall bear all expenses associated with this Consent Order; and be it further,



**ORDERED** that this is a formal order of the Maryland Board of Physical Therapy Examiners and as such is a public document pursuant to Md. Code Ann., General Provisions § 4-333(b).

Date

01/20/2015



John F. Baker, PT, DScPT  
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. I waive any rights I may have had to contest the findings of fact and conclusions of law contained in this Consent Order, and I agree to be bound by the foregoing Consent Order and its conditions.

2. I acknowledge the validity of this Consent Order as if it were made after a hearing in which I would have had the right to counsel, to confront witnesses on my own behalf, and to all other substantial procedural protections provided by law.

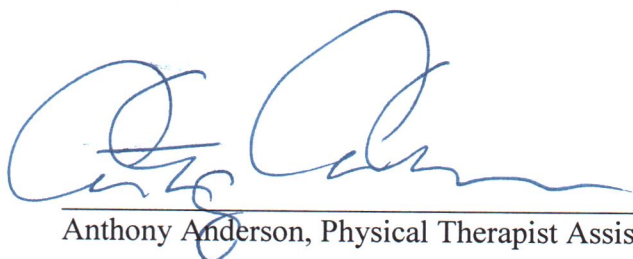
3. I acknowledge that this is a formal order of the Board and as such is a public document.

3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

4. I acknowledge that, by entering into this Consent Order, I am waiving my right to appeal any adverse ruling of the Board that might have followed an evidentiary hearing.

5. 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.

12/23/14  
Date

  
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Anthony Anderson, Physical Therapist Assistant

STATE OF MARYLAND  
COUNTY/CITY OF Baltimore City:

I hereby certify that on this 23<sup>rd</sup> day of December, 2014, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared ANTHONY ANDERSON, and made an oath in due form that the foregoing Consent was his voluntary act and deed.

Cynthia Daniel-Holloway  
Notary Public  
My commission expires: 6/14/17

