

IN THE MATTER OF * BEFORE THE MARYLAND STATE
ANTHONY ANDERSON, P.T.A. * BOARD OF PHYSICAL THERAPY
License No.: A1168 * EXAMINERS
Respondent * Case No.: PT 14-37

* * * * *

ORDER FOR SUMMARY SUSPENSION

The Maryland Board of Physical Therapy Examiners (the “Board”) hereby **SUMMARILY SUSPENDS** the license of **ANTHONY ANDERSON, P.T.A. (the “Respondent”)**, license number **A1168**, to practice as a physical therapist assistant (“P.T.A.”) in the State of Maryland. The Board takes such action pursuant to its authority under Md. Code Ann., State Gov’t § 10-226(c) (2009 Repl. & 2013 Supp.) concluding that the public health, safety or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS¹

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:

1. The Respondent was licensed to practice limited physical therapy in the State of Maryland under license number A1168 on August 9, 1983. His license is currently

¹ The statements regarding the Respondent’s conduct are intended to provide the Respondent with notice of the basis of the suspension. They are not intended, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

active and is scheduled to expire on May 31, 2016.

2. The Respondent is currently employed as a P.T.A. at Facility A in Baltimore, Maryland.²

PRIOR DISCIPLINARY HISTORY

3. On April 18, 2001, the Board charged the Respondent with violations of the Maryland Physical Therapy Act (the "Act") as follows: practicing limited physical therapy other than as authorized, in violation of § 13-316(6) of the Act; practicing limited physical therapy with or supervising or aiding an unauthorized person, in violation of § 13-316(12); willfully making or filing a false report or record in the practice of limited physical therapy, in violation of § 13-316(13); submitting a false statement to collect a fee, in violation of § 13-316(15); violating the Act or any rule or regulation adopted by the Board, in violation of § 13-316(16) and committing an act of unprofessional conduct in the practice of physical therapy, in violation of § 13-316(20).
4. Effective June 12, 2001, the Respondent entered into a Consent Order with the Board under the terms and conditions of which he was: suspended for one year, with all but two months suspended; placed on probation for two years; and required to pass the Maryland Physical Therapy law course and examination and successfully complete a Board-approved remedial documentation course.

CURRENT ALLEGATIONS

5. Effective May 31, 2014, the Respondent's P.T.A. license expired.

²To ensure confidentiality, the name of facilities and individuals are not used in this document. The Respondent may obtain them by contacting the administrative prosecutor.

6. 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.
7. On or about June 27, 2014, the Respondent appeared at the Board's office to pick up his license.³ The Board staff member who had processed the Respondent's paperwork observed that it had a definite odor of (ethyl) alcohol.
8. 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.
9. The Compliance Manager noted that the Respondent had answered "NO" to all of the questions on the application, including Questions 6, 12 and 13 which state:
 6. 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?
 12. 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?
 13. Have you engaged in any form of alcohol or substance abuse?

³ The Respondent's reinstatement application was processed. His license is currently scheduled to expire on May 31, 2016. When interviewed by Board staff on July 8, 2014, the Respondent stated that he had not worked as a P.T.A. during the time his license was expired.

10. On the application, the Respondent had signed an affidavit before a Notary Public that the facts and statements contained in the application are true to the best of the applicant's knowledge and belief.
11. 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. **2002** – the Respondent was charged on July 2, 2002 with possession of marijuana. On August 28, 2002, the Respondent pled not guilty. The Court found the Respondent guilty and fined him \$100.00;
 - b. **1992** – the Respondent was charged on August 26, 1992 with two counts of possession of Controlled Dangerous Substance (“CDS”) – not marijuana. On November 9, 1992, the Respondent pled guilty. The Court found the Respondent guilty on both counts and imposed a two year jail sentence, which was suspended. The Court also fined the Respondent \$100.00;
 - c. **1986** – the Respondent was charged on November 5, 1986 with possession of CDS – not marijuana. On December 4, 1986, the Court found the Respondent guilty and imposed a \$250.00 fine.
12. The Compliance Manager reviewed the Respondent's biennial licensure applications from 2000 through 2012. On each of the applications the Respondent affirmed that his responses were true and correct to the best of his knowledge and belief.

13. The Respondent failed to respond truthfully and accurately to Questions 2 and 12 on all of the applications; at no time did he disclose to the Board his criminal narcotic convictions. On his 2012 renewal application, the Respondent reported in response to Question 13 (Have you engaged in any form of alcohol or substance abuse?) that, "I am currently on the Federal Mandateed (*sic*) Program." The Respondent provided no explanation of his response.⁴
14. On June 27, 2014, in furtherance of the Board investigation, the Board Compliance Manager subpoenaed true test copies of Baltimore City Police Reports for each of the Respondent's arrests.
15. On July 2, 2014, the Board Compliance Manager and a Board investigator appeared at Facility A and served the Respondent with a Subpoena Ad Testificandum subpoena to appear at the Board to be interviewed on July 8, 2014.
16. 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.
17. The Compliance Manager asked the Respondent if he (the Respondent) 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.
18. The Respondent further responded that he uses marijuana once a day, after work, to relax.

⁴ In addition to his positive response to Question 13 on his 2012 application, the Respondent answered YES to questions on the applications on only one other occasion. On his 2002 renewal application he reported that the Board had taken disciplinary action against him.

19. On July 8, 2014, the Board Compliance Manager and a Board investigator interviewed the Respondent under oath.
20. During the interview, the Compliance Manager questioned the Respondent regarding each of his arrests. The Respondent acknowledged that in 1986, he had been arrested for possession of cocaine. The Respondent further acknowledged that his 1992 arrest on two counts of CDS possession may have been for cocaine and heroin.
21. When questioned regarding his recent drug use, the Respondent stated he had used cocaine since “about the 80s” and was still using it “on and off 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.
22. 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.
23. 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.

CONCLUSION OF LAW

Based on the foregoing facts, the Board concludes that the public health, safety or welfare imperatively requires emergency action in this case, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2)(i).

ORDER

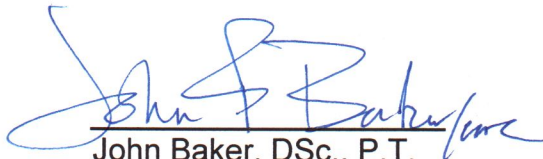
Based on the foregoing, it is this 22nd day of July, 2014, by a majority of the Board:

ORDERED that pursuant to the authority vested by Md Code Ann., State Gov't § 10-226(c)(2), the Respondent's license to practice as a physical therapist assistant is **SUMMARILY SUSPENDED**; and it is further

ORDERED that on presentation of this Order, the Respondent **SHALL SURRENDER** to the Board's investigator his original Maryland license number A1168; and it is further

ORDERED that this is a Final Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't §§ 10-611 *et seq.*

7/22/14
Date


John Baker, DSc., P.T.
Chair
Maryland State Board of Physical
Therapy Examiners