

IN THE MATTER OF \* BEFORE THE MARYLAND  
MICHAEL EISENHOUR \* BOARD OF PHYSICAL  
PHYSICAL THERAPIST \* THERAPY EXAMINERS  
LICENSE NO. 22279 \* Case No. PT 15-12

\* \* \* \* \*

**PRE-CHARGE CONSENT ORDER**

On or about September 19, 2014, Michael Eisenhour, P.T. (the “Respondent”), License No. 22279, sent a letter to the Maryland Board of Physical Therapy Examiners (the “Board”) self-reporting that he was convicted of driving while intoxicated following a motor vehicle accident on March 18, 2014. The Respondent also reported to the Board steps he had taken since his arrest to address his issues with alcohol dependence. The Board initiated an investigation into the matter, which indicated that the Respondent was arrested after being sent home from work due to his intoxication.

In lieu of instituting formal proceedings against the Respondent, in accordance with the Maryland Physical Therapy Act, Md. Code Ann., Health Occ. § 13-101 *et seq.*, the Board held a Pre-Charge Case Resolution Conference (“CRC”) with the Respondent on May 19, 2015. As a result, the Board and the Respondent have agreed to resolve this matter as set forth in this Consent Order.

**FINDINGS OF FACT**

1. The Respondent is licensed to practice physical therapy in the State of Maryland under License Number 22279. The Respondent was first licensed on July 10, 2007. The Respondent’s license is active and is scheduled to expire on May 31, 2017.

2. On or about September 19, 2014, the Respondent sent a letter to the Board self-reporting that he had been convicted for driving while intoxicated following a motor vehicle accident on March 18, 2014. The Respondent stated that following an August 1, 2014 court hearing, he was sentenced to one year of supervised probation, with terms including random urine screens, attendance in a 12-step substance abuse support program, and continued substance abuse treatment. The Respondent also disclosed that the Motor Vehicle Administration installed an ignition interlock system in his car that will remain in place until November 2015.

3. In his September 19, 2014 letter to the Board, the Respondent stated that immediately following the March 18, 2014 motor vehicle accident, he entered into an inpatient alcohol rehabilitation clinic. After being discharged, the Respondent completed an eight-week intensive outpatient substance abuse treatment program, and then entered into an at least two-year continuing care program, which includes weekly group therapy, random urine screens, and continued 12-step program attendance (including a sponsor).

4. Following receipt of the Respondent's letter, the Board initiated an investigation.

5. As part of the investigation into this matter, the Board interviewed the Respondent. In his interview, the Respondent admitted that he showed up to work under the influence of alcohol on the morning of March 18, 2014. The Respondent's supervisor sent him home from work after seeing the condition he was in; the motor vehicle accident and the Respondent's arrest occurred after he was sent home from work.

6. At the CRC, the Respondent took full responsibility for his conduct. He stated that he now realizes he has a serious alcohol dependence problem and that he is actively pursuing his treatment program. The Respondent reiterated that he is currently in a continuing care program that includes random urine screens, group therapy, and attendance in a 12-step program

six times a week. The Respondent stated that he also receives individual therapy outside of his continuing care program.

7. At the CRC, the Respondent stated that he now works full-time in an outpatient orthopedics setting and that his employer is aware of his alcohol dependence problem.

### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board finds that the Respondent is subject to disciplinary action pursuant to Md. Code Ann., Health Occ. §§ 13-316(6), (8)(ii), and (23)(i).

### **ORDER**

Based on an affirmative vote of a majority of the Board, it is this 26<sup>th</sup> day of JUNE, 2015, hereby:

**ORDERED** that the Respondent be placed on immediate PROBATION for at least TWO (2) YEARS, during which he shall:

1. Continue his participation in group therapy on a weekly basis;
2. Continue his participation in individual mental health therapy on a weekly basis and ensure that his mental health therapist provides quarterly progress reports to the Board;
3. Submit to random urine screens on a monthly basis;
4. Attend twice-weekly meetings of AA, NA, or another similar 12-step substance abuse support program, and provide documentation of such attendance to the Board; and
5. Ensure that his physical therapy employer submits quarterly employer reports to the Board on a form required by the Board; 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, 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 two (2) 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 at a CLIA-certified laboratory; and
2. 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 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., Gen. Provisions § 4-333(b).

6/24/15  
Date

Krystal Lighty  
Krystal Lighty, P.T.  
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.

6/23/2015

Date

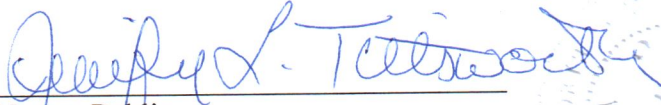


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Michael Eisenhour, License No. 22279



STATE OF MARYLAND  
COUNTY/CITY OF BALTIMORE:

I hereby certify that on this 23<sup>rd</sup> day of JUNE, 2015, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared MICHAEL EISENHOUR, and made an oath in due form that the foregoing Consent was his voluntary act and deed.



Notary Public

My commission expires: 11/20/2017



JENNIFER L. TITTSWORTH  
NOTARY PUBLIC  
BALTIMORE CITY  
MARYLAND  
My Commission Expires Nov. 20, 2017