

IN THE MATTER OF	*	BEFORE THE MARYLAND
CORTNEY GOLDEN, P.T.A.	*	BOARD OF PHYSICAL
RESPONDENT	*	THERAPY EXAMINERS
LICENSE NO.: A-4365	*	Case Nos.: PT 19-22-A, PT 19-22-B,
		PT 19-22-C, PT 19-22-D, and PT 19-22-E

* * * * *

CONSENT ORDER

On July 26, 2019, the Maryland Board of Physical Therapy Examiners (the “Board”) issued a *Violation of Consent Order and Charges Under the Maryland Physical Therapy Act* to **CORTNEY GOLDEN, P.T.A.** (the “Respondent”), License Number A-4365. Subsequently, on October 15, 2019, the Board issued a *Notice of Intent to Revoke* which superseded the *Violation of Consent Order and Charges Under the Maryland Physical Therapy Act* and notified the Respondent of additional factual allegations in support of the charges. Finally, on December 9, 2019, the Board issued an *Amended Notice of Intent to Revoke*, which superseded the *Notice of Intent to Revoke* issued to the Respondent on October 15, 2019 and the *Violation of Consent Order and Charges Under the Maryland Physical Therapy Act* issued to the Respondent on July 26, 2019, and notified the Respondent of additional disciplinary grounds that the Board had issued against the Respondent and the factual allegations in support of the additional disciplinary grounds.

The Board charged the Respondent’s license to practice as a physical therapy assistant with violations of the Maryland Physical Therapy Act (the “Act”), Md. Code Ann., Health Occ. §§ 13-316 (2014 Repl. Vol. & 2018 Supp.):

§ 13-316. Denials, reprimands, probations, suspensions, and revocations—Grounds

Subject to the hearing provisions of § 13-317 of this subtitle, the Board may . . . reprimand any licensee or holder of a restricted license, place any licensee or holder of a restricted license on probation, or suspend or revoke a license or restricted license if the applicant, licensee or holder:

....

- (8) To an extent that impairs professional competence, habitually uses any:
 - (i) Drug; or
 - (ii) Alcoholic beverage;

....

- (15) Violates any provision of this title or rule or regulation adopted by the Board;

....

- (19) Commits an act of unprofessional conduct in the practice of physical therapy or limited physical therapy[.]

The pertinent provisions of COMAR that the Board charged the Respondent with violating are:

COMAR 10.38.02.01. Code of Ethics

....

- G. The physical therapist and the physical therapist assistant shall comply with the probationary conditions of a Board order.

On February 18, 2020, the Respondent, along with her attorney, attended a case resolution conference (“CRC”) with members of the Board in an effort to resolve the pending charges in lieu of an evidentiary hearing. The Assistant Attorney General – Administrative Prosecutor, also attended the CRC on behalf of the State. At the CRC, the

Respondent and the State agreed to, and the Board hereby accepts, the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds that:

1. At all times relevant herein, the Respondent was licensed to practice as a physical therapy assistant in the State of Maryland under License Number A-4365. The Respondent was originally licensed on October 19, 2015. The Respondent's license is currently suspended.

Prior Disciplinary History

2. On or about January 16, 2019, the Respondent self-reported to the Board that on December 27, 2018, she went to "work impaired after a night of ingesting drugs." The Respondent further reported that she voluntarily submitted to a drug and alcohol screen, which tested positive resulting in her termination on January 7, 2019, from the hospital (the "Hospital") where she was employed.

3. Upon receipt of the Respondent's self-report, the Board initiated an investigation that included but was not limited to interviewing the Respondent under oath where the Respondent admitted the drug screen she submitted to the Hospital tested positive for two illicitly obtained substances after consuming, the night before the drug screen, Percocet and an unknown medication which she obtained from her family member. The Respondent also admitted 1) that prior to being convicted of driving while under the influence of alcohol in April 2018, she would drink a significant amount of alcohol several nights a week; 2) she went to work hungover on at least four or five

occasions; 3) she takes prescription medications without a prescription; and 4) she has been self-medicating pain from an injury since 2011 or 2012.

4. As a result of the Board's investigation, on February 13, 2019, the Board issued an Order for Summary Suspension, which immediately suspended the Respondent's license 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).

5. After holding a Show Cause Hearing before a quorum of the Board, effective June 13, 2019, the Respondent entered¹ into a Consent Order Terminating Summary Suspension with the Board to resolve the case in lieu of a full evidentiary hearing.

6. The terms and conditions of the Respondent's Consent Order include:

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

ORDERED that the Respondent's license shall be **SUSPENDED** for at least ONE (1) YEAR, *nunc pro tunc* to March 4, 2019, during which time she shall:

1. Submit to random, Board-ordered urine screenings on a twice-monthly basis;

2. Submit to a psychotherapeutic evaluation with a Board-approved evaluator, and comply with any mental health treatment recommendations made by the evaluator;

3. Complete her ongoing, 26-week outpatient drug treatment program; and

¹ The Respondent signed the Consent Order on May 31, 2019, and then the Board approved and executed the Consent Order on June 13, 2019.

4. After completing her outpatient drug treatment program, complete any program-recommended aftercare program and maintain contact with any program-recommended sponsor; and be it further,

ORDERED that the Respondent may petition the Board to lift the suspension on or after March 4, 2020, provided she has been compliant with the terms of suspension; and be it further,

ORDERED that upon any lifting of her suspension, the Respondent shall be placed on PROBATION for at least two (2) years, during which she shall:

1. Submit to random, Board-ordered urine screenings on a twice-monthly basis for the first six (6) months, and, if they are all clean, on a monthly basis for the remainder of probation;

2. Continue any mental health treatment recommended by the Board-approved evaluator; and

3. Maintain contact with any sponsor recommended by her outpatient drug treatment program; and be it further,

ORDERED that after one (1) year of probation, the Respondent may petition the Board for early termination of probation, which the Board may grant in its discretion provided the Respondent has been fully compliant with the terms of this Consent Order and does not have any pending complaints filed against her; and be it further,

ORDERED that after two (2) years of probation, the Respondent may petition the Board to terminate probation, provided that she has been fully compliant with the terms of probation and does not have any pending complaints filed against her; 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 her to submit a urine sample;

2. Submitted at a CLIA-certified laboratory; and

3. Negative for any controlled dangerous substance, narcotics, 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[.]

November 2019 Criminal Conviction

7. On or about November 20, 2019, in the District Court of Maryland for Washington County (Case Number 36K0B3G) the Respondent pleaded guilty to, and was found guilty of, Driving/Attempting to Drive Vehicle While So Far Impaired By Drugs Cannot Drive Safely. The Respondent was sentenced to sixty (60) days of incarceration with all sixty (60) days suspended, and placed on supervised probation for eighteen (18) months. As part of her probation, the Respondent was ordered to “[s]ubmit to,

successfully complete, and pay required costs for evaluation, testing and treatment education, as directed by your supervising agent.”

8. According to the Maryland State Police Incident Report, the offense took place on May 30, 2019,² at approximately 6:48 a.m., when the Respondent was observed attempting to drive a vehicle and then when questioned by the police, it was noted that the Respondent had “slurred” speech, “appeared to have difficulty answering basic questions such as where she lived and even her birthday year,” her movements were “lethargic,” her “pupils were constricted and glassy,” the Respondent informed the police officer that she was on prescription medication, and a search of the Respondent revealed “a dime bag containing four [Clonazepam] pills concealed in [the Respondent’s] [b]ra.”

Violation of Consent Order

9. By email dated June 19, 2019, the Board’s Chief Compliance Officer notified the Respondent that he would notify her by email and telephone if she was selected for a random urine screen and then she would have 24 hours to report for the screen.³

June 2019

10. By email dated June 20, 2019, the Board’s Chief Compliance Officer notified the Respondent that she was selected for a random urine screen and that she had

² The incident that took place on May 30, 2019, was not known by the Board, or incorporated into the Consent Order the Respondent signed on May 31, 2019, which was ultimately approved and executed by the Board on June 13, 2019.

³ The Chief Compliance Officer also instructed the Respondent to notify him of any dates she would be out of town in order for the missed tests to not be counted as a violation. Later that same day, the Respondent replied confirming receipt of the email.

until the close of business on June 21, 2019, to report for the test. The Respondent was further notified that failure to submit to the test at the testing location would be considered a positive test.

11. On June 20, 2019, the Board's Chief Compliance Officer also attempted to contact the Respondent via telephone and left a voicemail message for her regarding her required submission for a urine screen.

12. According to the CLIA-certified laboratory where the Respondent was scheduled to report to submit her urine screen (the "Laboratory"), the Respondent reported to the Laboratory on June 21, 2019, at which time, she was informed that if she left the Laboratory it would be considered a refusal to test. After failing to submit a urine sample on her first attempt, rather than attempting to try a second time to produce a urine sample, the Respondent decided to leave the Laboratory.

July 2019

13. By email dated July 8, 2019, the Board's Chief Compliance Officer notified the Respondent that she was selected for a random urine screen and that she had until the close of business on July 9, 2019, to report to the Laboratory for the test. The Respondent was further notified that failure to submit to the test at the testing location would be considered a positive test.

14. On July 8, 2019, the Board's Chief Compliance Officer also attempted to contact the Respondent via telephone and left a voicemail message for her regarding her required submission for a urine screen.

15. On July 10, 2019, the Board's Chief Compliance Officer contacted the Laboratory in reference to obtaining the results of the July urine screen, however, the Laboratory informed the Board's Chief Compliance Officer that the Respondent did not appear for her test.

16. By email dated July 24, 2019, the Board's Chief Compliance Officer notified the Respondent that she was selected for a random urine screen and that she had until the close of business on July 25, 2019, to report for the test. The Respondent was further notified that failure to submit to the test at the testing location would be considered a positive test.

17. On July 24, 2019, the Board's Chief Compliance Officer also attempted to contact the Respondent via telephone and left a voicemail message for her regarding her required submission for a urine screen.

18. According to the Laboratory, the Respondent reported to the Laboratory on July 25, 2019, at approximately 6:25 p.m. After failing to submit a urine sample on two attempts, she was informed that if she left the Laboratory it would be considered a refusal to test; however, rather than remaining to attempt to produce a urine sample, the Respondent decided to leave the Laboratory.

August 2019

19. By email dated August 13, 2019, the Board's Chief Compliance Officer notified the Respondent that she was selected for a random urine screen and that she had until the close of business on August 14, 2019, to report to the Laboratory for the test.

The Respondent was further notified that failure to submit to the test at the testing location would be considered a positive test.

20. On August 13, 2019, the Board's Chief Compliance Officer also attempted to contact the Respondent via telephone and left a voicemail message for her regarding her required submission for a urine screen.

21. On August 15, 2019, the Laboratory notified the Board's Chief Compliance Officer that the Respondent did not appear for her test.

September 2019

22. By email dated September 10, 2019, the Board's Chief Compliance Officer notified the Respondent that she was selected for a random urine screen and that she had until the close of business on September 11, 2019, to report to the Laboratory for the test. The Respondent was further notified that failure to submit to the test at the testing location would be considered a positive test.

23. On September 10, 2019, the Board's Chief Compliance Officer also attempted to contact the Respondent via telephone and left a voicemail message for her regarding her required submission for a urine screen.

24. On September 16, 2019, the Laboratory notified the Board's Chief Compliance Officer that the Respondent did not appear for her test.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that the Respondent violated:

§ 13-316. Denials, reprimands, probations, suspensions, and revocations—Grounds

Subject to the hearing provisions of § 13-317 of this subtitle, the Board may . . . reprimand any licensee or holder of a restricted license, place any licensee or holder of a restricted license on probation, or suspend or revoke a license or restricted license if the applicant, licensee or holder:

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(8) To an extent that impairs professional competence, habitually uses any:

- (i) Drug; or
- (ii) Alcoholic beverage;

....

(15) Violates any provision of this title or rule or regulation adopted by the Board;

....

(19) Commits an act of unprofessional conduct in the practice of physical therapy or limited physical therapy[.]

COMAR 10.38.02.01. Code of Ethics

....

G. The physical therapist and the physical therapist assistant shall comply with the probationary conditions of a Board order.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the Respondent's license shall be **SUSPENDED for a minimum of TWO (2) YEARS**, beginning on the effective date of this Consent Order; and it is further

ORDERED that, no earlier than two (2) years from the effective date of this Consent Order, the Respondent may submit a written petition to the Board requesting that the Board consider reinstatement of her suspended license, which the Board may grant in its discretion provided that the Respondent has been fully compliant with the terms of this Consent Order and only if the Respondent submits to the Board with her written petition, documentary evidence that the Board determines demonstrates that the Respondent has satisfactorily complied with all of the qualifications and requirements required under the Maryland Physical Therapy Act and the Board's regulations for reinstatement of a suspended license, and documentary evidence, satisfactory to the Board, demonstrating: 1) successful completion of rehabilitation during the suspension period and 2) the Respondent underwent a substance use evaluation by a Board-approved evaluator and the documentary evidence submitted must include the written report of the substance use evaluation; and it is 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 is responsible for all costs associated with the Consent Order; and it is further

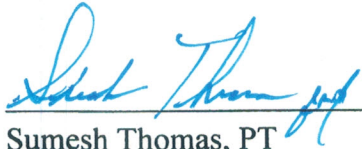
ORDERED that the Respondent shall complete in a forthright manner all applications and renewal applications related to her license to practice physical therapy during the period of suspension; and it is further

ORDERED that in the event the Board finds in good faith that the Respondent has violated any of the conditions of this Consent Order, 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 take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a such a breach of the conditions of this Consent Order shall be on the Respondent to demonstrate compliance with the Consent Order or conditions; and it is 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) and the Board may disclose same to any national reporting bank to which it is mandated to report.

3/25/20

Date



Sumesh Thomas, PT

Chair

Maryland State 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.

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

5. 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.

6. 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.

3/15/2020
Date


Cortney Golden, Physical Therapist Assistant

STATE OF MARYLAND

COUNTY/CITY OF Washington/Hagerstown

I hereby certify that on this 15th day of March, 2020, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared CORTNEY GOLDEN, and made an oath in due form that the foregoing Consent was her voluntary act and deed.



Notary Public
My commission expires: May 21, 2023