

IN THE MATTER OF * BEFORE THE MARYLAND
CORTNEY GOLDEN * BOARD OF PHYSICAL
PHYSICAL THERAPIST ASSISTANT * THERAPY EXAMINERS
LICENSE NO. A4365 * Case No. PT 19-22

* * * * *

**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.*, and the Maryland Administrative Procedure Act, Md. Code Ann., State Gov’t §§ 10-201 *et seq.*, the Board issued an Order for Summary Suspension, dated February 13, 2019, in which it summarily suspended the license to practice as a physical therapist assistant held by Cortney Golden (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 April 16, 2019, the Board held a hearing before a quorum of the Board to allow the Respondent the opportunity to show cause why she 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 she comply with the terms and conditions set forth in this Consent Order.

FINDINGS OF FACT

1. The Respondent is licensed to practice as a physical therapy assistant in the State of Maryland under License Number A4365. The Respondent was first issued a license on October 19, 2015, and her license is scheduled to expire on May 31, 2019.

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. Thereafter, the Board initiated an investigation.

4. As part of the Board’s investigation, the Board’s investigator conducted an interview of the Respondent under oath on January 22, 2019. During her interview, the Respondent stated the following:

- a. On the evening of December 26, 2018, she attended a family Christmas party where she ate several brownies. When she left the party, she also took several bags of cookies and brownies home with her.
- b. When she got home, she took half of a Percocet¹ around 7:30 p.m. for back pain. She obtained the Percocet from her grandmother approximately a year prior to the incident.
- c. At around 8:00 p.m. she developed a migraine and took an unknown medication, which she had previously received from her mother.
- d. Around midnight she took another half of a Percocet pill.

¹ Percocet is a combination of a narcotic (oxycodone) and acetaminophen used to relieve moderate to severe pain. It is a Schedule II Controlled Dangerous Substance (“CDS”) and requires a prescription.

- e. At approximately 3:00 a.m. or 4:00 a.m., she took another half of a Percocet pill and ate several more brownies with it.
- f. When she arrived at work the following morning at approximately 8:20 a.m., she started working with her first patient in the gym prior to going to see her supervisor to apologize for missing a meeting.
- g. Her supervisor noticed that her eyes appeared different from how they normally appeared, and her speech was slurred.
- h. She submitted to a drug test which came back positive for marijuana and fentanyl. She stated this was a surprise to her, and that she later discovered that a cousin had laced the brownies from the family Christmas party with marijuana. Her cousin, however, denied putting fentanyl in the brownies.
- i. She also admitted that she used marijuana in high school and college and began drinking alcohol at 18-years-old. In April 2018 she was convicted of driving while under the influence of alcohol. As a result, she was sentenced to a year of probation, a fine, alcohol classes, and an ignition interlock was ordered for her vehicle.
- j. She disclosed that prior to her arrest she would drink a significant amount of alcohol several nights a week.
- k. She admitted that she thought she had an issue with alcohol prior to her arrest; however, she stated that since her arrest she no longer believed she had an issue with alcohol.
- l. She further admitted she went to work hungover on at least four or five occasions.
- m. When the Board's investigator asked if she thought she had an issue with prescription drug use she stated, "Yea, I take them without prescriptions."
- n. She advised that aside from the medications she obtained from her mother and her grandmother, she also obtained pain pills from a friend. The last time she received pain pills from the friend was in April 2018.
- o. She stated that in 2010 or 2011 she received a prescription for a painkiller for an injury. But since 2011 or 2012, she has been self-medicating.

5. On February 13, 2019, 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).

6. Following the Respondent's request, the Board held a Show Cause Hearing with the Respondent in front of a quorum of the Board on April 16, 2019, to allow the respondent the opportunity to show cause why she did not pose an imminent threat to the health, safety, or welfare of the public, and why the summary suspension should be lifted.

7. At the Show Cause Hearing, the Respondent expressed remorse at the situation and a desire to use the incident as motivation to better herself, although she continued to insist it happened because she did not know her cousin brought drug-laced baked goods to the party. The Respondent informed the Board that she was attending a 26-week outpatient drug treatment program that she started on March 25, 2019, and that she had clean drug screenings since March 4, 2019. The Respondent also stated that she was fully compliant with her criminal probation related to her DUI.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that the Respondent violated Md. Code Ann., Health Occ. §§ 13-316 (8), (15), (17), (19), and (23).

ORDER

Based on agreement of the parties, it is this 13th day of JUNE, 2019, 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'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
 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; 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).

06/13/2019
Date


Sumesh Thomas, DPT
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.

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.

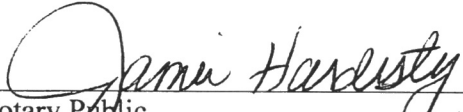
6. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

5/31/2016
Date

Courtney Golden, PTA
Courtney Golden, Physical Therapist Assistant

STATE OF MARYLAND
COUNTY/CITY OF Washington:

I hereby certify that on this 31 day of May, 2019, 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: 10/9/22

JAMIE S. HARDESTY
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND
My Commission Expires October 9, 2022