

IN THE MATTER OF  
RICARDO JOHNSON

Applicant/Respondent

\* BEFORE THE  
\* MARYLAND BOARD OF  
\* PHYSICAL THERAPY  
\* EXAMINERS

\* \* \* \* \*

**FINAL DECISION AND ORDER**

**Background**

On October 3, 2007, the Board of Physical Therapy Examiners (the "Board") received an application for a physical therapist assistant's license from Ricardo Johnson (the "Respondent"). On the application, Mr. Johnson indicated that he had committed a prior criminal offense involving controlled dangerous substances. The Board then requested further information from Mr. Johnson regarding the offense. In response, Mr. Johnson submitted a written statement detailing the events surrounding his past criminal conviction. The Board conducted an investigation into Mr. Johnson's criminal history and discovered that Mr. Johnson's explanation regarding his past criminal offense was not accurate. Based on Mr. Johnson's criminal history and his false statements to the Board, the Board issued a Notice of Intent to Deny Application on February 28, 2008.

A contested case hearing was held under the Administrative Procedure Act, Md. Code Ann., State Gov't §10-201 *et seq.*, and COMAR 10.38.05, before a quorum of the Board on May 20, 2008. After the conclusion of the hearing on the same date, May 20, 2008, the same quorum of the Board convened to deliberate and voted unanimously to issue Mr. Johnson a license in accordance with the terms and conditions set forth in this Final Decision and Order.

## SUMMARY OF THE EVIDENCE

### **A. Documents.**

The following documents were admitted into evidence.

- State's Exhibit No. 1 - Application for Physical Therapist Assistant License, dated 10/1/07
- State's Exhibit No. 2 - Notice of Intent to Deny Application for License to Practice as a Physical Therapist Assistant and unexecuted Order of Denial of Application for Licensure, 2/28/08
- State's Exhibit No. 2A - Applicant's handwritten explanation to the Board, dated 10/7/07
- State's Exhibit No. 2B - Board's letter to Applicant, dated 10/4/07
- State's Exhibit No. 2C - Applicant's typed letter to the Board, dated 10/14/07
- State's Exhibit No. 2D - Charge Summary, Statement of Charges, Statement of Probable Cause and Indictment, Feb. 2001
- State's Exhibit No. 2E - Court of Special Appeals's reported opinion in *Johnson v. State*, 154 Md. App. 286 (2003)
- State's Exhibit No. 2F - Transcript of Applicant's Motions Hearing, 7/31/02
- State's Exhibit No. 2G - Charge Summary, Statement of Charges, Statement of Probable Cause and Indictment, June 2001
- State's Exhibit No. 2H - Transcript of Applicant's Motion for New Trial/Sentencing, 8/21/02
- State's Exhibit No. 2I - Applicant's certified criminal record from CJIS
- State's Exhibit No. 3 - Case Information Printouts from Maryland Judiciary Case Search
- State's Exhibit No. 4 - Baltimore Co. Police Dept. Crime Report 01-059-1439
- State's Exhibit No. 5 - Baltimore Co. Police Dept. Crime Report 01-158-1041

- State's Exhibit No. 6 - District of Maryland Criminal System Inquiry Printout for Case No. 5B00111305
- State's Exhibit No. 7 - Docket Sheets for Case No. 01CR2342, 01CR2343 and 01CR2344 from Baltimore Co. State's Attorney's Office
- State's Exhibit No. 8 - Indictment in Case No. 01CR2342
- State's Exhibit No. 9 - Indictment in Case No. 01CR2343
- State's Exhibit No. 10 - Subpoena Duces Tecum to Clerk, Circuit Court for Baltimore County, 2/5/08
- State's Exhibit No. 11 - Subpoena Duces Tecum to Clerk, Circuit Court for Baltimore City, 1/28/08
- State's Exhibit No. 12 - Report of Investigation
- Respondent's Exhibit A - Graphic Arts Ed. And Research Foundation – Certificate of Achievement, 9/2006  
 MSDE – Certificate of Technical Achievement, (Printing Graphics), 9/22/06  
 Occupational Skills Training Ctr. Evaluation, 9/20/06  
 Maryland State Police letter, 3/16/05  
 MSDE – Certificate of Achievement (Personal Assessment and Career Exploration), 3/2005  
 Baltimore City Community College, Citation of Distinguished Scholar, 5/15/02  
 Certificate of Achievement, Social Work Program, 4/29/03  
 Certificate of Completion, Herman L. Toulson Bootcamp, 3/17/05  
 Anne Arundel Community College, Proof of Completion, 2.20 continuing education units (Workplace basics: Employee Readiness), 3/16/05  
 Anne Arundel Community College, Proof of Completion, 2.20 continuing education units (Life and Parenting Skills), 3/15/05  
 Certificate of Recognition, Narcotics Anonymous, 5/2004

AA/NA – Proof of Participation, 5/2005  
Baltimore City Community College, PTA Program,  
Part-time Clinical Performance Evaluation,  
3/29/01  
Baltimore City Community College, PTA Program,  
Part-time Clinical Performance Evaluation,  
4/5/01  
Letter from Dept. of Public Safety and Correctional  
Svcs., Div. of Parole and Probation, 4/21/08

**B. Witnesses.**

*State:* Ernest Bures – Investigator, Board of Physical Therapy Examiners

*Respondent:* Ricardo Johnson, PTA

**FINDINGS OF FACT**

Based upon the testimony and documentary evidence presented at the evidentiary hearing, the Board finds that the following facts are true:

1. On October 3, 2007, Mr. Johnson submitted an application for a physical therapist assistant's license to the Board. (State's Ex. 1)
2. On Mr. Johnson's application, he indicated "yes" to the following questions:
  4. Have you ever withdrawn your application for a physical therapy license or other health professional license?
  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 pled guilty or nolo contendere or for which you were convicted or received probation before judgment? (State's Ex. 1)
3. On October 16, 2007, at the request of the Board, Mr. Johnson submitted a letter further explaining the details of his prior criminal conviction. In

essence, Mr. Johnson explained that “a friend” left narcotics and a handgun in Mr. Johnson’s car, for which Mr. Johnson was blamed and arrested in February of 2000.<sup>1</sup> (State’s Ex. 2C)

4. Mr. Johnson also received probation before judgment with supervised probation for possession of controlled dangerous substances – not marijuana, on February 4, 1997. Mr. Johnson did not disclose this matter to the Board on his application. (State’s Exs. 2A, 3; T. 45)
5. As a result of Mr. Johnson’s responses on his application, the Board conducted its own investigation into Mr. Johnson’s criminal history. The Board’s investigation revealed that, on July 31, 2002, Mr. Johnson was convicted of: (1) drug trafficking with a firearm; (2) distribution of controlled dangerous substances; and (3) carrying a concealed handgun. (State’s Ex. 2F)
6. Based on the agreed statement of facts entered into the record of the criminal proceedings against Mr. Johnson on July 31, 2002, in Baltimore County Circuit Court, Mr. Johnson engaged in the distribution of cocaine. The record reveals that on February 28, 2001, Mr. Johnson was put under police surveillance and witnessed making a drug transaction out of his car. Contrary to Mr. Johnson’s explanation to the Board, Mr. Johnson acted alone and was never accompanied by anyone else during this time. Mr. Johnson had a concealed loaded handgun on his possession at the time. The handgun was registered to Mr. Johnson. (State’s Ex. 2F; T. 47)
7. Mr. Johnson was placed on work release in March 2007, and then paroled on August 23, 2007. Mr. Johnson will be on supervised probation related to his

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<sup>1</sup> Mr. Johnson’s actual date of arrest was February 28, 2001.

criminal case until 2012. (T. 50). To date, Mr. Johnson has been in full compliance with the terms of his criminal probation. (Resp's. Ex. A)

8. During Mr. Johnson's incarceration, he successfully completed courses in graphic arts, and currently works at a graphic arts company. (Resp's. Ex. A; T. 36).
9. Mr. Johnson has also completed a Narcotics Anonymous one-year program. (Resp's Ex. A).

### CONCLUSION

Based upon the foregoing summary of evidence and findings of fact, the Board concludes that Mr. Johnson violated Md. Code Ann., Health Occ. §§ 13-316(1), (6), and (7).

### ORDER

Based on the foregoing Findings of Fact, Opinion, and Conclusion, by a unanimous decision of a quorum of the Board it is hereby:

**ORDERED** that the application for a physical therapist assistant's license submitted by Ricardo Johnson is hereby APPROVED to sit for National Physical Therapy Examination and the Maryland Jurisprudence Examination; and be it further,

**ORDERED** that upon receiving a passing score on both examinations, the Board shall issue Mr. Johnson a physical therapist assistant's license; and be it further,

**ORDERED** that Mr. Johnson's license shall be placed on immediate PROBATION for a period of at least FIVE (5) YEARS, during which time Mr. Johnson shall:

1. Not practice in a home health or long-term care setting;
2. Successfully complete a Board-approved law and ethics course within the first year of probation;
3. Practice under the direct supervision of a Board-approved physical therapist and fully cooperate with the supervisor's directions and recommendations;
4. Insure that the Board-approved supervisor submits quarterly progress reports to the Board; and
5. Fully comply with the terms of his criminal probation; and be it further,

**ORDERED** that Mr. Johnson may petition the Board for modification of the probationary terms after completing two (2) years of probation provided that Mr. Johnson has been fully compliant with the probationary terms and there are no outstanding complaints filed against him; and be it further,

**ORDERED** that in the event that the Board receives credible evidence that Mr. Johnson has violated the terms of probation herein, or the terms of his criminal probation, the Board may take further disciplinary action against Mr. Johnson's license, after notice and opportunity for a hearing, or the Board may summarily suspend Mr. Johnson's license prior to a hearing, depending on the nature of the violation; and be it further,

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

**ORDERED** that Mr. Johnson shall bear all costs in complying with the terms of this Order; and be it further,

**ORDERED** that this is a final order of the Maryland Board of Physical Therapy Examiners and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't Art., §§10-611, *et seq.*

July 15, 2008  
Date

Margery Rodgers, P.T.  
Margery Rodgers, P.T.  
Chair, Board of Physical Therapy Examiners

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Code Ann., Health Occ. Art., §13-318, you have the right to take a direct judicial appeal. A petition for appeal shall be filed within thirty (30) days of your receipt of this Final Decision and Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Act, Md. Code Ann., State Gov't Art., §§10-201, *et seq.*, and Title 7, Chapter 200 of the Maryland Rules.