

IN THE MATTER OF

\*

BEFORE THE MARYLAND

EDWARD MUIR

\*

BOARD OF PHYSICAL

LICENSE NO. 21514

\*

THERAPY EXAMINERS

\* \* \* \* \*

**CONSENT ORDER FOR INITIAL LICENSURE**

**Background**

In March 2003, Mr. Muir submitted an application for licensure to the Board of Physical Therapy Examiners (the "Board") for a license to practice physical therapy. Mr. Muir disclosed on his application that he had a history of substance abuse and had previously surrendered his respiratory therapist license to the Board of Physician Quality Assurance (now Maryland Board of Physicians) in July 1994 for diverting controlled dangerous substances from the workplace. Furthermore, Mr. Muir stated that he had been arrested for a DUI in April 2002 for which he received probation before judgment. On April 15, 2003, the Board voted to defer its decision on Mr. Muir's application for one year to allow Mr. Muir to provide the Board with evidence of a longer period of substance abuse recovery.

The Board of Physical Therapy Examiners reconsidered the application of Mr. Muir on September 21, 2004. Mr. Muir submitted evidence of strict compliance in a substance abuse program since February 2003, which program included alcohol and drug urine screens, AA/NA meetings and group therapy. Mr. Muir also submitted a recommendation by his certified addictions counselor that he be permitted to obtain licensure provided that he continue with his treatment and recovery.

Mr. Muir graduated from the physical therapy program at University of Maryland in December 2002. The Board's approval of Mr. Muir's application is required before he is permitted to take the national and state licensing examinations.

### FINDINGS OF FACT

1. Mr. Muir has submitted to the Board evidence of his compliant participation in a substance abuse program for the past eighteen (18) months.
2. Mr. Muir's current substance abuse program consists of random urine screens, AA/NA meetings, and group therapy.
3. The Board has received a recommendation from Mr. Muir's certified addictions counselor supporting Mr. Muir's application for licensure with certain conditions, some of which the Board will adopt below.

### ORDER

Based on an affirmative vote of the Board, it is this 18<sup>th</sup> day of January, 2004<sup>5</sup>,

hereby:

**ORDERED** that Mr. Muir's application for licensure to practice physical therapy be granted with the conditions set forth below, PROVIDED THAT MR. MUIR FIRST SUCCESSFULLY COMPLETE:

- (1) The national licensing examination administered by the Federation of State Boards of Physical Therapy; and
- (2) The Maryland State law examination; and be it further,

**ORDERED** that upon issuance, Mr. Muir's license be placed on immediate PROBATION, subject to the following conditions:

1. Mr. Muir shall enter into and comply with a three (3) year contract with the Maryland Physical Therapy Impaired Professionals Committee, which contract shall include at a minimum, random monthly urine screens and weekly therapy in a healthcare

professionals group;

2. Mr. Muir shall continue attending 2-3 AA/NA meetings per week;
3. Mr. Muir may not practice in a hospital or home health setting;
4. Mr. Muir shall provide every physical therapy employer with a copy of this Consent Order and shall insure that the attached verification form is completed by every employer and returned to the Board prior to commencing employment; and be it further,

*received  
on 1-5-06*

**ORDERED** that Mr. Muir's execution of this Consent Order shall constitute a release of any and all medical health related records, substance abuse treatment records, and psychological/psychiatric records pertaining to Mr. Muir to the Board, the Impaired Professionals Committee, and any treatment provider rendering treatment pursuant to this Consent Order. Further, Mr. Muir agrees and consents to the release by the Board, the Impaired Professionals Committee and all treatment providers of any information or data produced as a result of this Consent Order to any treatment provider; and be it further,

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

**ORDERED** that Mr. Muir's failure to fully cooperate with the Impaired Professionals Committee and/or successfully complete the terms and conditions of Mr. Muir's contract with the Impaired Professionals Committee shall be deemed a Violation of Probation and a violation of this Consent Order and Mr. Muir may be subject to additional charges by the Board; and be it further,

**ORDERED** that in the event the Board finds for any good faith reason that Mr. Muir has relapsed, has violated any of the conditions of probation herein, or in the event that the Board finds for any good faith reason that Mr. Muir has committed a violation of Title 13 of the Health Occupations Article or regulations adopted thereunder, the Board may immediately SUSPEND Mr. Muir's license prior to a hearing, provided that Mr. Muir is given the opportunity for a show

cause hearing before the Board at the next regularly scheduled meeting of the Board; and be it further,

**ORDERED** that Mr. Muir may petition the Board for modification of the above probationary conditions one (1) year after the date of this Consent Order; and be it further,

**ORDERED** that Mr. Muir may petition the Board for release from probation three (3) years after the date of this Consent Order provided that he has been in compliance with all of the terms of probation; and be it further,

**ORDERED** that Mr. Muir shall be responsible for all costs associated with this Consent 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 the Maryland Annotated Code, State Government Article, Section 10-617(h).

JAN 18, 2005  
Date

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

**CONSENT**

1. By signing this Consent, I hereby admit to the truth of the findings contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter.  
By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. 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.

22 Dec. 2004  
Date

Edward Muir  
Edward Muir

**STATE OF MARYLAND**  
**COUNTY/CITY OF FREDERICK:**

I hereby certify that on this 22nd day of December, 2004, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared EDWARD MUIR and made an oath in due form that the foregoing Consent was his voluntary act and deed.

Gail E. Heimes  
Notary Public  
My commission expires: \_\_\_\_\_

GAILE E. HEIMES  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires May 01, 2006

**PHYSICAL THERAPY EMPLOYER VERIFICATION FORM**

[TO BE COMPLETED BY PHYSICAL THERAPY EMPLOYER]

I hereby acknowledge that I am in receipt of a copy of the Consent Order for Initial Licensure, dated \_\_\_\_\_, pertaining to the physical therapist's license of EDWARD MUIR.

I further acknowledge that I have read and understand the terms and restrictions placed upon Mr. Muir's ability to practice physical therapy.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name of Practice