

IN THE MATTER OF
CHINEDU U. ONYEJI, P.T.
Respondent

* BEFORE THE
* BOARD OF PHYSICAL
* THERAPY EXAMINERS

License Number: 23438

* Case Number: PT16-37

* * * * *

CONSENT ORDER

On February 2, 2017, the Maryland State Board of Physical Therapy Examiners (the "Board") charged Chinedu U. Onyeji, P.T. (the "Respondent") with violations of certain provisions of the Maryland Physical Therapy Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 13-101 *et seq.* (2014 Repl. Vol. & 2015 Supp.).

Specifically, the Board charged the Respondent with violations of the following provisions of Health Occ. § 13-316:

Health Occ. § 13-316. Denials, reprimands, probations, suspensions and revocations – General

Subject to the hearing provisions of § 13-317 of this subtitle, the Board may deny a license or restricted license to any applicant, 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:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license or restricted license for the applicant, licensee, or holder or for another;
- ...
- (10) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country...for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;
- ...

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

(17) Is professionally, physically or mentally incompetent[.]

The Board further charged the Respondent with lacking good moral character, a requisite for licensure pursuant to Health Occ. § 13-302(b).

FINDINGS OF FACT

1. At all times relevant to these charges, the Respondent was and is licensed to practice physical therapy in the State of Maryland. The Respondent was initially licensed to practice physical therapy in Maryland on September 24, 2010. The Respondent's license is currently active and is scheduled to expire on May 31, 2018.

2. The Respondent works part-time on an as-needed basis in skilled nursing facilities.

Background

3. On or about September 13, 2010, the Respondent submitted to the Board an Application for Physical Therapist Licensure ("2010 Application").

4. The 2010 Application required the Respondent to respond "YES" or "NO" to character and fitness questions that addressed his personal and professional background.

5. The Respondent disclosed on the 2010 Application that a criminal charge was then pending against him in Pennsylvania. The Respondent explained that he had been charged with drug offenses, but maintained his innocence.

6. On or about September 21, 2010, the Board voted to issue to the Respondent a license, but also to monitor the disposition of the pending criminal matter.

7. The Board subsequently discovered that the Respondent had various other criminal convictions in Indiana that he had failed to disclose on his 2010 Application.

8. Specifically, the Board discovered that in January 2005, the Respondent had pleaded guilty to false informing (representing himself as another person when a sheriff was attempting to serve him with an arrest warrant).

9. The Board further discovered that the Respondent failed to disclose that in August 2005, he was arrested for possession to distribute cocaine, possession of cocaine with a handgun and possession of at least three grams of cocaine, all of which are felonies. The Respondent subsequently agreed to testify against the passenger in the car in which both were traveling when arrested. Pursuant to the agreement, the Respondent pleaded guilty in December 2005 to one count of maintaining a common nuisance, a class D felony in Indiana.¹

10. The Respondent was sentenced to incarceration for 18 months, with all but 234 days suspended, with credit for 117 days served, probation for 11 months, court costs totaling \$156.00, a drug interdiction fee of \$200.00 and an alcohol/drug program fee of \$350.00.

11. Based on the Respondent's misrepresentations on the 2010 Application, on December 29, 2010, the Board issued to the Respondent a Notice

¹ In January 2007, the Respondent's conviction was reduced to a misdemeanor based on his satisfactory completion of his probationary requirements.

of Intent to Revoke Licensure (“Notice of Intent to Revoke”), charging him with violating the following provisions of the Act: Health Occ. §§ 13-316 (1) fraudulently obtaining license; (6) convicted of or pleads guilty to a felony or crime involving moral turpitude; (7) convicted of a violation of a narcotic law; (12) willfully making a false report in the practice of physical therapy; (15) violates the Act or any rule or regulation adopted by the Board; (19) unprofessional conduct in the practice of physical therapy and (24) fails to cooperate with a lawful investigation conducted by the Board.

12. After a contested case hearing, the Board, by Final Decision and Order issued on June 29, 2011, concluded as a matter of law the Respondent violated Health Occ. § 13-316 (6), (7) and (15). The Board found it unnecessary to make conclusions based on the remainder of the charges and dismissed the charges of violations of Health Occ. § 13-316 (12), (19) and (24).

13. The Board ordered that the Respondent’s license be suspended for 90 days and that the Respondent be placed on probation for two years with terms and conditions.²

14. The Respondent’s probation terminated effective August 23, 2013.

FINDINGS OF FACT IN CURRENT CASE

I. Misrepresentations on Renewal Applications

15. On May 20, 2016, the Respondent electronically transmitted to the Board his Application for License Renewal (“2016 Renewal Application”).

² The terms and conditions were that the Respondent was not to practice in a home health setting, successfully complete an ethics course and practice under the general supervision of another physical therapist.

16. On or about May 24, 2016, the Respondent reported to the Board that he had answered "YES" to Character and Fitness Question #6 on his 2016 Renewal Application.

17. Character and Fitness Question #6 asks: "Have you committed a criminal act to which you pleaded guilty or nolo contendere or for which you were convicted or received probation before judgment?"

18. In response to Question #6, the Respondent stated in pertinent part, that in 2016 he was approached by an individual he did not know who started an argument. The Respondent felt threatened and pushed away the individual as they were approaching the Respondent's car. The police were not called at the time; however, the individual "pursued incident" (*sic*) and the Respondent "was charged with misdemeanor assault." The Respondent further stated that upon advice of counsel, he "entered an agreement with the State's Attorney for Baltimore City" in which he was granted probation before judgment.

19. The police report corresponding to the Respondent's 2016 assault states that on January 21, 2016, a Baltimore City Parking Enforcement Officer was issuing a citation to the Respondent's vehicle. The Respondent, who was occupying the vehicle at the time, got out of the care and used profanity when addressing the officer. The Respondent slapped the hand-held device from the officer's hand.

20. On April 4, 2016, the Respondent pleaded guilty to the amended charge of second degree assault and was granted probation before judgment.

21. On the 2016 Application, the Respondent attested that the information he had provided to the questions on the Application was true and correct to the best of his knowledge. The Board has determined that the Respondent misrepresented these events on his 2016 Renewal Application.

22. The Board has further determined that the Respondent failed to fully disclose other incarcerable traffic violations on his 2016, 2014 and 2012 renewal applications.

23. Court documents further revealed that on January 30, 2016, the Respondent was charged with driving on a suspended license. This was his second offense for driving on a suspended license (the first having occurred on June 24, 2011); the Respondent was subject to a \$2,000.00 fine and incarceration for up to two years. The charge was pending when he completed his 2016 Renewal Application. The Respondent did not disclose this charge on his 2016 Renewal Application.

24. As stated above, the Respondent had been charged with driving on a suspended license for the first time on June 24, 2011. The Respondent pleaded guilty to this charge on November 14, 2014. This charge was pending when the Respondent completed his 2012 Renewal Application and his 2014 Renewal Application. The Respondent did not disclose the pending charge his 2012 and 2014 Renewal Applications.

II. Psychiatric Evaluation

25. On September 8, 2016, the Board referred the Respondent for a psychiatric evaluation based on the Respondent's past history and the Board's concerns regarding the Respondent's ability to safely treat patients.

26. The Respondent's initial appointment with the psychiatrist ("Dr. A") was scheduled for October 20, 2016. Dr. A conducted an interview of the Respondent and administered a psychological test.

27. At Dr. A's request, the Respondent signed releases of information for mental health providers he had seen over the past several years. The Respondent told Dr. A that he had seen three mental health providers but signed releases for only two providers. One of the providers identified by the Respondent advised Dr. A that the Respondent had never been a patient; the other provider did not release any information to Dr. A.

28. On November 11, 2016, Dr. A submitted to the Board the report of his evaluation of the Respondent.

29. Dr. A noted, *inter alia*, that the Respondent denied having anger management issues, but sought treatment after a domestic dispute.

30. The Respondent's account of his police contacts as reported to Dr. A are inconsistent with the police reports of those incidents.

31. The Respondent denied any past history of illicit drug use and has not received drug or alcohol treatment.

32. The Respondent denied all signs and symptoms related to any sort of mental disorder. The Respondent described the domestic dispute with his girlfriend as aberrant behavior related to the stress of their relationship.

33. Dr. A stated that the Respondent's test results "were not a valid reflection of his experience and could not be validly interpreted."

34. Dr. A concluded, "[b]ased on the limited data set I have available, it is my opinion that [the Respondent] is not suffering from any current mental disorder."

35. The Respondent agreed to retake the psychological test on November 11, 2016, but cancelled the appointment, stating he was consulting with an attorney.³

CONCLUSIONS OF LAW

The Respondent's conduct, in whole or in part, constitutes violations of the Act, specifically, Health Occ. § 13-316 (1), (10), (15) and/or (17) and constitutes evidence that the Respondent lacks good moral character as required by Health Occ. § 13-302(b).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 4TH day of OCTOBER, 2017, by a majority of the quorum of the Board:

³ Health Occ. § 13-316(c) provides that the failure or refusal of the licensee to submit to an examination required by the Board may be considered as evidence of the inability of the licensee to practice competently, unless the Board finds that the failure or refusal was beyond control of the licensee.

ORDERED that the Respondent is suspended for a minimum of ninety (90) days; and it is further

ORDERED that during the suspension period, the Respondent shall submit to an evaluation by a Board-approved mental health provider; and it is further

ORDERED that the Respondent must petition for termination of his suspension after a minimum 90-day period and after his mental health evaluation has been completed; and it is further

ORDERED that upon any termination of the Respondent's suspension, the Respondent's license be placed on probation for a minimum of three (3) years with terms and conditions, which may incorporate the recommendations of the Board-approved evaluator, to be determined by the Board at that time; and it is 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 related to his license to practice physical therapy; and it is further

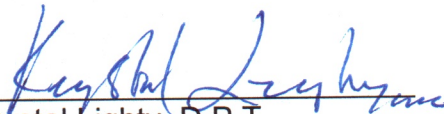
ORDERED that the Respondent shall practice in accordance with the laws and regulations governing physical therapy; and it is further

ORDERED that, should the Board receive information that the Respondent has violated the Act or if the Respondent violates any conditions of this Order, after providing the Respondent with notice and an opportunity for a hearing, 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 breach of the conditions of the Order shall be on the Respondent to demonstrate compliance with the Order or conditions; and it is further

ORDERED that for purposes of public disclosure, as permitted by Md. Code Ann. General Provisions Article, § 4-333(b), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank to which it is mandated to report.

10/4/17
Date


Krystal Lighty, D.P.T.
Chair
Maryland Board of Physical Therapy
Examiners

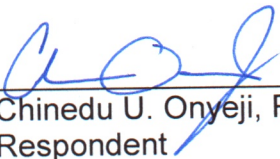
CONSENT

I, Chinedu U. Onyeji, PT, acknowledge that I have had the opportunity to be represented by counsel before entering this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that I might have filed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

10-2-17
Date



Chinedu U. Onyeji, PT
Respondent

STATE OF MARYLAND
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 2nd day of October 2017, before me, a Notary Public of the foregoing State and City/~~County~~ personally appeared Chinedu U. Onyeji, PT, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



Thomas Chlebowski
Notary Public

My commission expires: 6/12/2018