

IN THE MATTER OF
DOLORES GORDON,
PTA Applicant

* BEFORE THE MARYLAND
* STATE BOARD OF
* PHYSICAL THERAPY EXAMINERS
* Case No. PT16-32

* * * * *

CONSENT ORDER

On or about June 21, 2016, Maryland Board of Physical Therapy Examiners (the "Board") issued a Notice of Intent to Deny License to Practice Limited Physical Therapy to Dolores Gordon (the "Applicant"), under the Physical Therapy Act (the "Act"), Md. Code Ann. Health Occ. II §§ 13-101 *et seq.* (2014 Repl. Vol., 2015 Supp.). The pertinent provisions of the Act are as follows:

§ 13-302. Qualifications of applicants – Generally.

* * *

(b) *Moral character.* – The applicant shall be of good moral character.

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

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

- (1) Fraudulently or deceptively obtains or attempts to obtain a license or restricted license for the applicant [...].

On March 13, 2014, the Applicant attended a Case Resolution Conference before a panel of the Board during which it was agreed that this matter would be resolved as follows:

FINDINGS OF FACT

1. On April 4, 2016, the Board received the Applicant's license to practice limited physical therapy as a physical therapist assistant.

2. The Applicant also submitted to a criminal history records check in accordance with Health Occ. II § 13-302.1 whereby her fingerprints were sent to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services ("Central Repository").
3. The Applicant marked "yes" in response to the following three questions on the application:
 - 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?
 - Excluding minor traffic violations, are you currently under arrest or released on bond, or are there any current or pending charges against you in any court of law?
 - 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?
4. The application directs applicants answering yes to any question to "attach a separate page with a complete explanation of each occasion (include date, time, location, disposition, etc.)."
5. The Applicant did not attach an explanation regarding her "yes" answers.
6. The Board then conducted a background investigation of the Applicant including reviewing the Central Repository results as well as criminal history information available through Maryland's Judiciary Case Search web site.

7. The Board's investigation revealed the following:

Date	Location	Charge	Disposition
April 2, 2013	Howard County, MD	<ul style="list-style-type: none">• Driving while under the influence• (Additional related charges were nolle prosequi)	<ul style="list-style-type: none">• Guilty plea resulting in probation before judgment (supervised)• \$1000 fine, \$750 suspended
May 18, 2014	Prince George's County, MD	<ul style="list-style-type: none">• Controlled dangerous substance possession—not marijuana• Assault (2nd degree) (2 counts)• Resisting arrest	<ul style="list-style-type: none">• Plea of nolo contendere to 2nd degree assault• Remaining counts were merged• \$45 court fee
June 13, 2014	Howard County, Maryland	Violation of probation for the April 2, 2013 charge alleging May 18, 2014 charges violated probation condition that defendant obey all laws	Dismissed

8. On April 11, 2016, the Board's staff sent an email to the Applicant requesting an explanation for each question to which she answered "yes."

9. On April 24, 2016, the Applicant provided information on two of her arrests. She reported that on April 2, 2013 that she was "driving to a friend's house after going out and having a domestic argument with boyfriend [sic]." She stated that she received probation before judgment and a fine of \$250 for this incident.

10. The Applicant further reported the following regarding the May 18, 2014 arrest:

Unsafe lane change (not guilty dismissed), reckless driving (not guilty dismissed), CDC [sic] posses no marijuana (merged), assault 2nd degree (no finding), assault 2nd degree (merged), assault 2nd degree (merged)

...
I got pulled over for an unsafe lane change. When I was pulled over the cop claimed I allegedly assaulted them.

She stated that the outcome was payment of a \$45 court fee.

11. Thereafter, the Board obtained the police reports for the aforementioned Maryland arrests.
12. Regarding the April 2, 2016 incident, the police reports indicated that the Applicant was stopped for driving 104 mph in a 55 mph zone. The reports further indicated that at the time of the stop, the officer smelled alcohol on the Applicant's breath and observed her to have glassy watery eyes and slurred speech. The Applicant failed several standardized field sobriety tests and was arrested after she nearly walked into oncoming traffic. According to the police report of several officers, the Applicant engaged in a "loud tirade of profanity and insults" of one of the officers on the scene. In addition, the report noted that the Applicant emptied her bladder in the intoximeter room at the police station.
13. Regarding the May 18, 2014 incident, the police report indicated the Applicant was stopped after crossing into the travel lane of a police vehicle and nearly striking it. Initially the Applicant failed to stop, but when she did, the officer detected a strong odor of alcohol emanating from her vehicle. The Applicant then refused to submit to a standard field sobriety test and became combative. The Applicant was then restrained with a hobble strap but escaped it and urinated in the back seat of the cruiser as well as at the front of the Department of Corrections building. According to the police report, an impound inventory of the Applicant's vehicle found a nearly 2.0 gram plastic bag containing cocaine.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant is subject to discipline pursuant to Health Occ. II §§ 13-302(b) and 13-316(1).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 28TH day of DECEMBER 2016, by a majority of the Board, hereby:

ORDERED that Ms. Gordon be **ISSUED A LICENSE TO PRACTICE LIMITED PHYSICAL THERAPY** upon full execution of this Consent Order; and it is further;

ORDERED that the Ms. Gordon's license shall be placed on **PROBATION** for a minimum period of **TWO YEARS**, to commence on the date the Board executes this Consent Order; and it is further;

ORDERED that during the probationary period, Ms. Gordon shall, at her own expense:

- (1) Successfully complete a Board-approved anger management course or regular individual sessions with a Board-approved therapist; and
- (2) Submit to random quarterly controlled dangerous substance screening as directed the Board. All urine screens shall be:
 - a. Submitted within 24 hours of Board Staff instructing Ms. Gordon to submit a urine sample;
 - b. Submitted at a CLIA-certified laboratory;
 - c. Observed; and
 - d. Negative for any controlled dangerous substance, narcotics, or

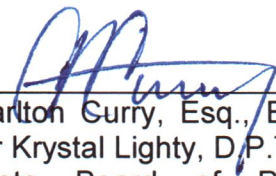
other mood-altering substance.

ORDERED that Ms. Gordon shall immediately inform the Board and provide any verification it requires if she is legitimately prescribed a controlled dangerous substance at any time during the probationary period;

ORDERED that for purposes of public disclosure and as permitted by Md. Code Ann., State Gov't II. § 10-617(h) (2014 Repl. Vol., 2015 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that this Order is final and a public document pursuant to State Gov't §§ 10-601 *et seq.*

12/28/16
Date



Carlton Curry, Esq., Executive Director
for Krystal Lighty, D.P.T., Chair
State Board of Physical Therapy
Examiners

CONSENT

I, Dolores Gordon, acknowledge that 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 might have followed after any such hearing.

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


12-13-16
Date


Dolores Gordon

STATE OF MARYLAND

COUNTY/CITY OF HARFORD:

I hereby certify that on this 14 day of Dec, 2016, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared Delores Gordon, and made an oath in due form that the foregoing Consent was her voluntary act and deed.



Notary Public

My commission expires: 6/24/19

