

**IN THE MATTER OF
BRIAN PAUL VOITH, P.T.
RESPONDENT**

*** BEFORE THE STATE BOARD
* OF PHYSICAL THERAPY
* EXAMINERS**

License Number: 16308

*** * * * ***

CONSENT ORDER

The Maryland State Board of Physical Therapy Examiners (the "Board") charged Brian Paul Voith, P.T., (the "Respondent"), D.O.B.: 05/08/69, License Number: 16308, with violating certain provisions of the Maryland Physical Therapy Act (the "Act"), Md. Health Occ. Code Ann., §§ 13-101 et seq. (2000). Specifically, the Board charged the Respondent with violating the following:

H.O. § 13-316:

Subject to the hearing provisions of § 13-317 of this subtitle, the Board may deny a license, temporary license, or restricted license to any applicant, reprimand any licensee or holder of a temporary license or restricted license, place any licensee or holder of a temporary license or restricted license on probation, or suspend or revoke a license, temporary license, or restricted license if the applicant, licensee, or holder:

- (8) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have a conviction or plea set aside.

FINDINGS OF FACT

The Board finds:

1. At all times relevant to the charges herein, the Respondent was and is licensed to practice physical therapy in the State of Maryland. The Respondent was originally licensed on or about December 15, 1987.

2. The following facts pertain to criminal charges filed against the

Respondent in Anne Arundel County, Maryland:

3. On or about September 29, 2000, the Respondent was indicted by the Grand Jury for the State of Maryland, sitting in Anne Arundel County for the manufacture of a non-narcotic controlled dangerous substance in violation of Md. Code Ann. Art. 27 § 286, two counts of possession with intent to distribute a non-narcotic controlled dangerous substance in violation of Md. Code Ann. Art. 27 § 286, two counts of possession of a non-narcotic controlled dangerous substance in violation of Md. Code Ann. Art. 27 § 286, and one count of conspiracy to violate non-narcotic controlled dangerous substance laws in violation of Md. Code Ann. Art. 27 § 286. (A copy of the grand jury indictment in *State of Maryland v. Brian Paul Voith*, Criminal No. K-2000-1782, filed September 29, 2000, is attached hereto and incorporated herein as Exhibit A).

4. On February 16, 2001, the Respondent pled guilty in the Circuit Court for Anne Arundel County to the manufacture of a non-narcotic controlled dangerous substance of Schedule I, to wit: marijuana, in violation of Md. Code Ann. Art. 27 § 286 and one count of possession with the intent to distribute a non-narcotic controlled dangerous substance of Schedule I, to wit: psilocyn, in violation of Md. Code Ann. Art. 27 § 286. (A copy of the docket entries in *State of Maryland v. Brian Paul Voith*, Criminal No. K-2000-1782 is attached hereto and incorporated herein as Exhibit B).

5. On April 25, 2001 the Respondent was sentenced by Judge Clayton Greene, Jr. to eighteen (18) months of confinement at the Anne Arundel County Detention

Center with work release privileges. The Respondent was also fined five hundred dollars (\$500) and required to pay two hundred and five dollars (\$205) for court costs. (A copy of the criminal hearing sheet and commitment record in *State of Maryland v. Brian Paul Voith*, Criminal No. K-2000-1782 are attached hereto and incorporated herein as Exhibit C).

6. The following facts pertain to criminal charges filed against the Respondent in Caroline County, Maryland:

7. On November 2, 2000, the State's Attorney for Caroline County, Maryland, filed a criminal information in the Circuit Court for Caroline County charging the Respondent with one count of unlawful manufacture of a controlled dangerous substance in violation of Md. Code Ann. Art. 27 § 286; two counts of possession with intent to distribute in violation of Md. Code Ann. Art. 27 § 286; one count of possession of a controlled dangerous substance in violation of Md. Code Ann. Art. 27 § 287(a); one count of possession with intent to use drug paraphernalia in violation of Md. Code Ann. Art. 27 § 287A(c); and trespass upon posted private property in violation of Md. Code Ann. Art. 27 § 577. (A copy of the criminal information filed November 2, 2000 is attached hereto and incorporated herein as Exhibit D).

8. On December 1, 2000, the Respondent pled guilty in the Circuit Court for Caroline County of Maryland to one count of unlawful manufacture of controlled dangerous substance of Schedule I, to wit: marijuana, in violation of Md. Code Ann. Art. 27 § 286. (A copy of the docket entries *State of Maryland v. Brian Paul Voith*,

Criminal No. K-00-5109 is attached hereto and incorporated herein as Exhibit E).

9. On March 27, 2001 the Respondent was sentenced by Judge Owen Wise to three (3) years of incarceration with all but twelve (12) months suspended. The Respondent was ordered to pay court costs in the amount of one hundred and thirty dollars (\$130) and enter a drug program, which included urine tests. The Respondent was also required to complete a five (5) year supervised probationary period. (A copy of the order of probation dated March 27, 2001 is attached hereto and incorporated herein as Exhibit F).

10. Manufacture of a Schedule I controlled dangerous substance and possession with the intent to distribute a Schedule I controlled dangerous substance are crimes involving moral turpitude.

11. Possession with intent to distribute a Schedule I controlled dangerous substance is a felony.

12. Manufacture of a Schedule I controlled dangerous substance is a felony.

CONCLUSIONS OF LAW

The Board finds that the Respondent violated H.O. §§ 13-316(8).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 27th day of August 2002, the Board on the affirmative vote of a majority of its members then serving, hereby

ORDERED that the Respondent's license to practice physical therapy is hereby **REVOKED**; and be it further

ORDERED that the Respondent may petition the Board for reinstatement of his license after eighteen (18) months provided the Respondent:

(a) Shows evidence that he has participated in a substance abuse program (i.e., Narcotics Anonymous) for a total of eighteen (18) months;

(b) Enrolls in and successfully completes the Board-approved law and ethics course;

(c) Obtains continuing education credits that would be required if the Respondent's license had not been revoked;

(d) Submit to a substance abuse evaluation by a Board-approved ^{evaluator and} evaluation;

and be it further

ORDERED that in the event that the Respondent is reinstated, the Board may impose any conditions upon licensure it deems necessary; and be it further

ORDERED that the Respondent shall practice physical therapy in accordance with the Maryland Physical Therapy's Act, and in a competent manner; and be it further

ORDERED that in the event the Board finds for any reason in good faith that the Respondent has violated any provision of Title 13 of the Health Occupations Article, Annotated Code of Maryland or the regulations thereunder, the Board, after notification to the Respondent, and an opportunity for a hearing, may take immediate action and may impose any lawful disciplinary sanctions it deems appropriate, including, but not limited, to

revocation or suspension of the Respondent's license to practice physical therapy; and be it further


ORDERED that for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. § 10-617(h) (1999), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose to the National Healthcare Integrity and Protection Data Bank and the Federation of State Boards of Physical Therapy; and be it further

ORDERED that the Respondent shall be responsible for all costs incurred under this Consent Order; and be it further

ORDERED that the conditions of this Consent Order be, and the same is hereby, effective as of the date of this Order; and be it further

ORDERED that this is a **FINAL ORDER** and as such is a public document pursuant to Md. State Gov't. Code Ann. §§ 10-611 et seq. (1999).

8.20.02
Date


Mindy Sacks, PTA
Brienne D. Lescher, P.T.
Chairperson
Board of Physical Therapy Examiners