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FILED
BOARD OF PHYSICAL THERAPY
APR 25 2002
Susan H. Gartland
Susan Gartland
Executive Director

By: Carmen A. Rodriguez
Deputy Attorney General
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHYSICAL THERAPY

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
:
EUGENE McGLOIN, P.T. :
License No. QA007972 :
:
:
TO PRACTICE PHYSICAL THERAPY :
IN THE STATE OF NEW JERSEY :

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Physical Therapy (hereinafter "the Board") upon receipt of information that Eugene McGloin, a New Jersey licensed physical therapist, took prescription medication from the home of a patient while he was administering physical therapy services. Specifically, it has been alleged that on or about November 9, 2001 respondent removed a bottle of Percocet from the home of a patient to whom he provided physical therapy. On February 19, 2002, respondent appeared without counsel, at an investigative inquiry held by a committee of the Board.

Having reviewed the entire record, including the testimony of respondent and Marc Syrop, P.T. at the investigative inquiry and the affidavits supplied by respondent's employer, it appears to the Board that the respondent admitted both to his employer, the Board committee and to the specific patient when confronted that he had taken the Percocet. The testimony at the inquiry also confirmed that he had removed Percocet from two other patients' homes during his performance of physical therapy services. Mitigating information provided by the respondent demonstrated that he took the Percocet during periods of extreme stress which resulted from an Indictment brought against him for vehicular homicide. At the inquiry, respondent testified that he took the medication at the same time that he was scheduled to appear at court hearings concerning the criminal matter.

These facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(I). It appearing that respondent desires to resolve this matter without admissions and without recourse to formal proceedings, and for good cause shown:

IT IS ON THIS DAY OF April, 25, 2002

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice physical therapy shall be suspended until respondent demonstrates that he was enrolled in and successfully completed an out-patient drug counseling program. The program shall be approved by the Board prior to respondent's attendance. Respondent shall return his license to practice physical therapy to the Board office upon acceptance of this consent order. Upon completion of the out-patient drug counseling

program, the program director shall submit a written report to the Board outlining the satisfactory completion of the program by the respondent.

2. Respondent shall agree to submit to directly witnessed random urine monitoring on a monthly basis for the next two years. The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and provide documentation in the event of a legal challenge. A report of the results of said testing is to be sent to the Board. Positive results shall be reported by the monitoring service to Susan Gartland, Executive Director of the Board and to the Attorney General. Any failure by the respondent to submit or provide a urine sample within 24 hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event, that respondent is unable to appear for a scheduled urine test or to provide a urine sample due to illness or other impossibility, consent must be obtained from the director of the urine monitoring program.

Respondent shall abstain from the use of prescription medications unless specifically prescribed by a treating physician who has been informed of the respondent's chemical dependency, for a legitimate medical purpose, and in the usual course of the treating physician's medical practice. If any medication is taken upon prescription or dispensing from another physician, respondent shall so notify the drug testing program on the following business day or before the next urine sample is submitted, whichever is sooner, and shall cause this treating physician to transmit the records or treatment of the respondent immediately to the testing program and the Board.

3. Respondent shall continue to cease and desist from the practice of physical therapy in a home environment but upon satisfactorily completing the out-patient drug counseling program may apply for reinstatement of his physical therapy license on a conditional basis upon submitting written proof to the Board that he is to be employed in a physical therapy facility where the services

are provided on the premises and that respondent shall be directly supervised by a licensed New Jersey physical therapist. Said employer or the assigned direct supervisor shall submit written quarterly reports to the Board regarding respondent's progress. Upon acceptance of the proofs regarding employment, the Board will return the license to the respondent. The conditions imposed herein are to remain for a two year period at which time respondent may appear before the Board and request the conditions on his license be lifted. The two year period runs from the date of the reinstatement of the license to practice physical therapy. If during the course of the two years, respondent changes employment he must again submit proof to the Board that he is to practice in a facility providing services on premises and under the direct supervision of a New Jersey licensed physical therapist. Failure to comply with any of the conditions of this order will result in the automatic suspension of the respondent's license to practice physical therapy.

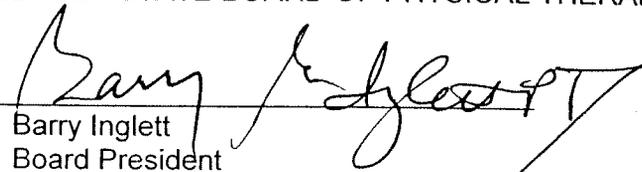
4. Respondent shall be responsible for all costs associated with the out patient drug counseling program and the urine monitoring program outlined herein.

5. Respondent is hereby assessed the costs to the State of the investigation in this matter in the amount of \$2347.72. Attached are two certification of costs. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than twenty-one days from the entry of this Consent Order. Payment shall be sent to the attention of Susan Gartland, Executive Director, State Board of Physical Therapy, 124 Halsey Street, P.O. Box 45014, Newark, New Jersey , 07101.

6. Respondent hereby consents to the entry of an order of automatic suspension of license without notice, upon the Board's receipt of any information that the Board, in its sole discretion deems reliable, demonstrating that the respondent has failed to comply with any of the conditions herein, including but not limited to a report of confirmed positive urine.

7. Failure to remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF PHYSICAL THERAPY

By: 
Barry Inglett
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Eugene McGloin, P.T., Pro Se