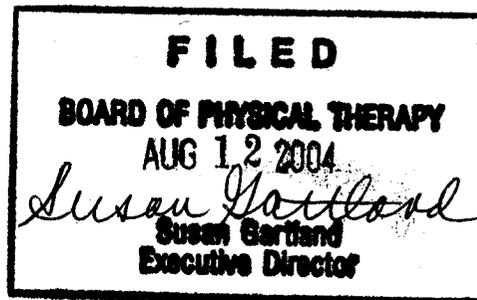


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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHYSICAL THERAPY EXAMINERS

IN THE MATTER OF THE LICENSE
APPLICATION OF

MICHAEL REYNOLDS

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 Examiners (hereinafter "the Board") upon receipt of information from the Criminal History Background check included in respondent's initial license application package indicating that Mr. Reynolds was arrested on October 7, 2003 for shoplifting in violation of N.J.S. 2C:20-11B(1). On December 3, 2003 Mr. Reynolds was found guilty of the shoplifting charge and assessed a fine of \$555.

Respondent Reynolds, was arrested on April 11, 2004 by the Sheriff's Office, in Cavalier, ND for Possession of Drug Paraphernalia in violation of North Dakota Century Code (N.D.C.C.) 19-03.4-03 and Possession of Controlled Substance (MJ) while operating a motor vehicle. Respondent entered a guilty plea on April 12, 2004 for Possession of Controlled Substance (MJ) while Operating a Motor Vehicle and received a fine of \$200. An administrative fee of \$100.00 and

a victim witness fee of \$25.00 were also imposed. Additionally, the court order deferred imposition of sentence for one year until April 12, 2005 and required Respondent to complete a chemical dependency evaluation by a certified addiction counselor and to file proof of such completion with the Court by June 12, 2004. The charge of Possession of Drug Paraphernalia was dismissed on April 12, 2004. On July 13, 2004, respondent appeared pro se, in connection with the application for licensure at an investigative inquiry by a committee of the Board.

Having reviewed the entire record, including the testimony of respondent at the investigative inquiry and the documentation regarding the criminal convictions, it appears to the Board that Mr. Reynolds shoplifting charge involved the taking of a suit case and some items of clothing. Mr. Reynolds testified that he was having anxiety attacks at the time the shoplifting occurred. He testified that he is seeing a psychiatrist for this condition and he produced a note from Prabaker S. Patel, M.D. indicating that the Respondent is under his care and that he "is treating his anxiety which at present is in remission and he will continue to see Michael Reynolds periodically." In regard to the recent drug charge, Respondent testified that the marijuana found in his car did not belong to him. He had dropped off two friends and his fiancé in Winnipeg and he alleged that the marijuana found in the vehicle belonged to them. Respondent produced his fiancé, April Bunter, who corroborated his allegations that the marijuana and the pipe in the vehicle driven by the Respondent belonged to her. She alleged that she does not smoke marijuana in the presence of the Respondent and she is seeking professional help for her condition. Respondent also produced drug screens collected on April 2, 2003, May 6, 2003 and June 23, 2004 respectively, all demonstrating negative results.

These facts establish basis for disciplinary action pursuant to N.J.S.A. 45:1-21(f) in that respondent's convictions are for crime which adversely relate to the practice of physical therapy. 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 ,

HEREBY ORDERED AND AGREED THAT:

1. Respondent 's license to practice physical therapy shall be issued on the condition that respondent shall submit to random urine monitoring a minimum of three (3) times during a one year period beginning on August 15, 2004 and continuing through August 14, 2005 at a laboratory facility approved by the Board for the time period in question as detailed herein. The respondent is responsible for the payment of the costs of the monitoring program.

(a) The urine monitoring shall be conducted with direct witnessing of the taking of the samples as designed by the laboratory facility. The initial drug screen shall utilize appropriate screening techniques and all confirming tests and/or secondary tests will be performed by gas/chromatography/mass spectrometry (G.C.M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge.

(b) All test results including any secondary tests results shall be provided directly to Susan Gartland, Executive Director of the Board, or her designee in the event she is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

(c) Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event, respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive the day's test must be secured from Susan Gartland or her designee. Personnel at the lab facility shall not be authorized to waive a urine test. In addition, respondent must provide the Board with written substantiation of his inability to appear for a test

within two (2) days, e.g. a physician's report attesting that he was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day.

(d) In the event respondent will be out of the State for any reason, the Board shall be so advised so that arrangements may be made at the Board's discretion for alternate testing. The Board, may in its sole discretion, modify the frequency of testing or method of testing during the monitoring period.

(e) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.009 shall create a rebuttable presumption of a confirmed positive urine test. Such specimen shall be immediately subjected to the confirming GC/MS test.

(f) Respondent shall familiarize himself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/ or failure to comply with the urine monitoring program.

2. (a) Respondent shall be subject to an order of automatic suspension of his license upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that respondent has failed to comply with any of the conditions set forth in the Consent Order, including but not limited to report of a confirmed positive urine, or a prima facie showing of drug abuse.

(b) Respondent shall have a right to apply for removal of the automatic suspension on ten (10) days notice to the Board and to the Attorney General. The Board may hold a hearing on that application before the full Board or before a committee of the Board. In the event

a committee hears the application, its action shall be subject to ratification of the full Board at its next scheduled meeting. In a hearing seeking removal of the automatic suspension, any confirmed positive urine shall be presumed valid.

(c) Upon receipt of written proof that respondent has satisfactorily completed all required urine screens and has achieved negative results in all screens conducted within the period specified in the Consent Order, the condition placed on licensure will be satisfied and the condition will be removed upon respondent's written request to the Board.

NEW JERSEY BOARD OF PHYSICAL
THERAPY EXAMINERS

By: 
Nancy Kirsch, P.T. 040099/
Chairperson

I have read the within Order
and understand its terms. I
consent to the entry of this
Order by the New Jersey Board
of Physical Therapy Examiners.


Michael Reynolds