

IN THE MATTER OF	*	BEFORE THE MARYLAND
NINA MOSLEY, RCP	*	STATE BOARD OF
Respondent	*	PHYSICIANS
License Number: L01405	*	Case Number: 2013-0204
* * * * *		

ORDER OF DEFAULT

BACKGROUND

The Maryland Board of Physicians (the “Maryland Board”) received information that Nina Mosley, RCP, (the “Respondent”) (D.O.B. 5/15/1963), License Number L01405, was disciplined by the District of Columbia Board of Respiratory Care (the “D.C. Board”) for filing a false or misleading statement and certificate with the D.C. Board and failing to demonstrate completion of required continuing education credits. In an Order dated August 13, 2012, the D.C. Board disciplined the Respondent by suspension.

Based on the above referenced sanction, the Maryland Board has grounds to charge the Respondent with violating the following provisions of the Maryland Medical Practice Act (the “Act”), under H. O. § 14-5A-17(a)(17):

- (a) Subject to the hearing provisions of §14-405 of this title, the Board, on the affirmative vote of a majority of a quorum, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:
 - (17) Is disciplined by a licensing or disciplinary authority or is convicted or disciplined by a court of any state or country or is disciplined by any branch of the United States uniformed

services or the Veterans' Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes.

The Maryland Board has determined that the acts for which the Respondent was disciplined in the District of Columbia would be grounds for disciplinary action under H.O. § 14-5A-17(a). The grounds for disciplinary action under H.O. § 14-5A-17(a) are as follows:

- (3) Is guilty of unprofessional or immoral conduct in the practice of respiratory care;
- (10) Willfully makes or files a false report or record in the practice of respiratory care.

Specifically, on October 16, 2012, the Maryland Board notified the Respondent at her address of record by regular mail of the Board's investigation of this matter and offered a Consent Order imposing a reciprocal discipline. The Respondent was further advised that if she did not respond to the letter within 30 days of receipt the Maryland Board would enter a Default Order making the same findings and imposing the same discipline as in the D.C. Order. The Respondent failed to respond to the Board's notification sent on October 16, 2012.

A second request was sent to the Respondent on November 27, 2012 by regular mail advising the Respondent that the Maryland Board had not received her response and that the case would be forwarded for consideration of a default order if the Maryland Board did not hear from her within five (5) business days of receipt of the letter. The Respondent failed to respond to the Board's second request sent on November 27, 2012.

I. FINDINGS OF FACT

The Board finds the following:

1. At all times relevant to these charges, the Respondent was licensed to practice respiratory care in the State of Maryland. The Respondent was initially licensed in Maryland on or about November 9, 1992.

2. By Order dated August 13, 2012, the D.C. Board disciplined the Respondent by suspension based upon the Respondent's failure to submit proof of having met the continuing education requirements as she had attested to on her 2011 renewal application.

3. As a result, the D.C. Board suspended the Respondent's D.C. respiratory care license effective August 13, 2012. A copy of the D.C. Order is attached hereto.

4. The Respondent was duly notified of the Board's determination that there were grounds to charge her with violations of § 14-5A-17(a)(3) and (10) of the Act, but she failed to respond to any of the Board's notifications.

5. The Board's factual findings are unrefuted due to the Respondent's default.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, and pursuant to Md. Code Ann., Health Occ. § 14-5A-17 (a)(17), the Maryland Board concludes as a matter of law that the disciplinary action taken by the D.C. Board against the Respondent was for an act or acts that would be grounds for disciplinary action under Health Occ. § 14-5A-17(a)(3) and (10) had those offenses been committed in this state. The Board further concludes

that the Respondent was in default with respect to answering the notices, thus she has lost the right to contest them.

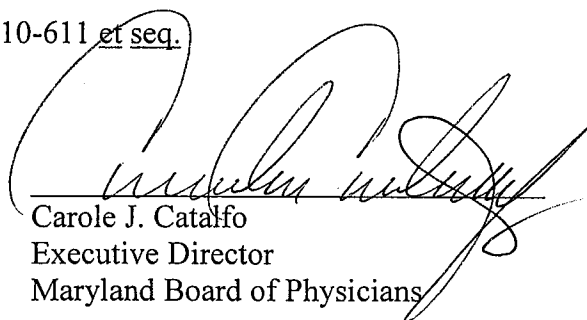
III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this hereby:

ORDERED that the Respondent's license to practice respiratory care in the State of Maryland be and is hereby **SUSPENDED** until such time as her license is reinstated by the DC Board of Respiratory Care; and be it further

ORDERED that this **ORDER OF DEFAULT** is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't § 10-611 et seq.

3-1-13
Date


Carole J. Catalfo
Executive Director
Maryland Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 14-5A-17.1, the Respondent has the right to seek judicial review of this Order of Default. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Order of Default. The cover letter accompanying this Order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

**Maryland State Board of Physicians
Christine A. Farrelly, Deputy Director, Compliance and Licensure
4201 Patterson Avenue
Baltimore, Maryland 21215**

Notice of any petition should also be sent to the Board's counsel at the following address:

**Thomas W. Keech
Assistant Attorney General
Department of Health and Mental Hygiene
300 West Preston Street, Suite 302
Baltimore, Maryland 21201**